



The Journal OF THE *House of Representatives*

Number 34

Thursday, March 8, 2012

The House was called to order by the Speaker at 4:00 p.m.

Prayer

The following prayer was offered by Dr. Gloria Williams of Jesus People Ministries Church International of Miami, upon invitation of Rep. Watson:

Dear God, our Father, You are so great and worthy to be praised. Today we thank You for Your loving kindness, Your goodness, Your grace, and Your favor towards all humanity. Thank You, Father, for Your presence here in this House of Representatives today. We ask You to lead, guide, and direct the thoughts—the speakings of our leaders, as they unite to do the business of the state of Florida.

We pray for the representatives of the House. We also pray for our Lieutenant Governor and for the Governor. May they all sense and know Your perfect and divine love. Thank You for showing these awesome men and women how to successfully help to fulfill the needs of the residents and the citizens of this great state.

Solid and sound decisions will be made today concerning arising opportunities, economic increase, health, and wellness. And Father, we thank You that righteousness will exalt our state and our nation.

Thank You for Your empowerment during these sessions today and, dear God, we thank You that You, alone, bless America. And bless the state of Florida—it is our prayer and we pray in our Lord's name—in Jesus' name and everyone say amen.

The following members were recorded present:

Session Vote Sequence: 1143

Speaker Cannon in the Chair.

Abruzzo	Campbell	Gibbons	Kiar
Adkins	Cannon	Glorioso	Kreegel
Ahern	Chestnut	Gonzalez	Kriseman
Albritton	Clarke-Reed	Goodson	Legg
Artiles	Clemens	Grant	Logan
Aubuchon	Coley	Grimsley	Lopez-Cantera
Baxley	Costello	Hager	Mayfield
Bembry	Crisafulli	Harrell	McBurney
Berman	Cruz	Harrison	McKeel
Bernard	Davis	Holder	Metz
Bileca	Diaz	Hooper	Moraitis
Boyd	Drake	Horner	Nehr
Brandes	Eisnagule	Hudson	Nelson
Brodeur	Ford	Hukill	Nuñez
Broxson	Fresen	Ingram	O'Toole
Bullard	Frishe	Jenne	Oliva
Burgin	Fullwood	Jones	Pafford
Caldwell	Garcia	Julien	Passidomo

Patronis	Reed	Snyder	Waldman
Perman	Renuart	Soto	Watson
Perry	Roberson, K.	Stafford	Weatherford
Pilon	Rogers	Stargel	Weinstein
Plakon	Rooney	Steube	Williams, T.
Porter	Rouson	Taylor	Wood
Porth	Sands	Thompson, G.	Workman
Precourt	Saunders	Thurston	Young
Proctor	Schenck	Tobia	
Randolph	Slosberg	Trujillo	
Ray	Smith	Van Zant	

(A list of excused members appears at the end of the *Journal*.)

A quorum was present.

Pledge

The members, led by the following, pledged allegiance to the Flag: Elizabeth Giordano of New Port Richey at the invitation of Rep. Corcoran; Jimmy Goodman of Tampa at the invitation of Rep. Young; Sara Henley of Tallahassee at the invitation of Rep. Reed; Madelyn Veal of Pensacola at the invitation of the Speaker; and Reece Poppell of Tallahassee at the invitation of Rep. Weatherford.

House Physician

The Speaker introduced Dr. Jason Pirozzolo of Winter Garden, who served in the Clinic today upon invitation of Rep. Brodeur.

Correction of the *Journal*

The *Journal* of March 7, 2012 was corrected and approved as corrected.

Special Debate Procedures

Debate on the Conference reports shall be limited to no more than the time specified on the attached chart. Debate time will be equally divided between the Majority and Minority parties. In addition to the allotted time, the bill sponsor will explain and close each bill; closing on the conference report on the GAA is limited to 3 minutes. Explanations should be focused on the differences between the original bill and the conference report. After opening the bill, the floor managers from the Majority and Minority parties shall be alternately recognized in debate until their time runs out. Time not utilized is lost.

The Majority and Minority Leaders may each designate one floor manager. The floor managers may speak in debate and yield time to other Members to debate. Recognitions of floor managers must go through the Speaker. A Member may not be recognized more than once in debate on each bill.

No Member may be recognized for debate unless a floor manager yields time to that Member.

Adoption of this recommendation requires a waiver of the rules.

There will be no other questions or debate on these bills or the adoption of the conference reports on these bills, other than what is specified in the attached chart.

Each bill will be temporarily postponed after it is debated, with the vote occurring on each bill once the time required by the constitution and our joint rules allows.

HB 5003—Implementing Act	4 (2 min. per side)
HB 5001—GAA	90 (45 min. per side)

On motion by Rep. Aubuchon, the above report was adopted.

Messages from the Senate

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 293, with 1 amendment, and requests the concurrence of the House.

Debbie Brown, Secretary

CS/HB 293—A bill to be entitled An act for the relief of Criss Matute, Christian Manuel Torres, Eddna Torres De Mayne, Lansky Torres, and Nasdry Yamileth Torres Barahona by the Palm Beach County Sheriff's Office; providing for an appropriation to compensate them for injuries sustained as a result of the negligence of the Palm Beach County Sheriff's Office for the wrongful death of their father, Manuel Antonio Matute; providing a limitation on the payment of fees and costs; providing an effective date.

(Amendment Bar Code: 876888)

Senate Amendment 1—Delete line 57 and insert:

amount awarded under this act, absent a waiver of this fee limitation executed by the claimants, and in such event, the fee may not exceed 25 percent of the total amount awarded under this act.

Representative Rooney offered the following:

(Amendment Bar Code: 046413)

House Amendment 1 to Senate Amendment 1—Remove lines 5-8 of the amendment and insert:
amount awarded under this act. However, taxable costs, which may not include attorney's fees and lobbying fees, related to the underlying civil action may be collected in addition to 15 percent of the total amount awarded under this act.

Rep. Rooney moved the adoption of the **House Amendment 1 to Senate Amendment 1**, which was adopted.

On motion by Rep. Rooney, the House concurred in **Senate Amendment 1**, as amended.

The question recurred on the passage of **CS/HB 293**. The vote was:

Session Vote Sequence: 1144

Speaker Cannon in the Chair.

Yeas—110

Abruzzo	Diaz	Legg	Roberson, K.
Adkins	Dorworth	Logan	Rogers
Ahern	Drake	Lopez-Cantera	Rooney
Albritton	Eisnaugle	Mayfield	Rouson
Artiles	Ford	McBurney	Sands
Aubuchon	Fresen	McKeel	Saunders
Baxley	Frishe	Metz	Schenck
Bembry	Fullwood	Moraitis	Schwartz
Berman	Garcia	Nehr	Slosberg
Bernard	Gibbons	Nelson	Smith
Bileca	Glorioso	Núñez	Snyder
Boyd	Gonzalez	O'Toole	Soto
Brandes	Goodson	Oliva	Stafford
Brodeur	Grant	Pafford	Steube
Broxson	Grimsley	Passidomo	Taylor
Bullard	Harrell	Patronis	Thompson, G.
Burgin	Harrison	Perman	Thurston
Caldwell	Holder	Pilon	Trujillo
Campbell	Hoooper	Plakon	Van Zant
Cannon	Horner	Porter	Waldman
Chestnut	Hudson	Porth	Watson
Clarke-Reed	Hukill	Precourt	Weatherford
Clemens	Ingram	Proctor	Weinstein
Coley	Jenne	Randolph	Williams, T.
Corcoran	Jones	Ray	Workman
Costello	Julien	Reed	Young
Crisafulli	Kiar	Rehwinkel	Vasilinda
Cruz	Kriseman	Renuart	

Nays—8

Davis	Hager	Perry	Tobia
Gaetz	Kreegel	Stargel	Wood

Votes after roll call:

Yeas—Williams, A.

Yeas to Nays—Williams, A.

Nays to Yeas—Williams, A.

So the bill passed, as amended. The action, together with the bill and the amendments thereto, was immediately certified to the Senate.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 877, with 1 amendment, and requests the concurrence of the House.

Debbie Brown, Secretary

CS/HB 877—A bill to be entitled An act for the relief of Odette Acanda and Alexis Rodriguez by the Public Health Trust of Miami-Dade County, d/b/a Jackson Memorial Hospital; providing for an appropriation to compensate Odette Acanda and Alexis Rodriguez for the death of their son, Ryan Rodriguez, as a result of the negligence of employees of the Public Health Trust of Miami-Dade County; providing a limitation on the payment of fees and costs; providing an effective date.

(Amendment Bar Code: 298302)

Senate Amendment 1—Delete line 73 and insert:

under section 2 of this act, absent a waiver of this fee limitation executed by the claimants, and in such event, the fee may not exceed 25 percent of the total amount awarded under this act.

Representative Trujillo offered the following:

(Amendment Bar Code: 515733)

House Amendment 1 to Senate Amendment 1—Remove lines 5-8 of the amendment and insert:

under section 2 of this act. However, taxable costs, which may not include attorney's fees and lobbying fees, related to the underlying civil action may be collected in addition to 15 percent of the total amount awarded under section 2 of this act.

Rep. Trujillo moved the adoption of the amendment to the amendment, which was adopted.

On motion by Rep. Trujillo, the House concurred in **Senate Amendment 1**, as amended.

The question recurred on the passage of **CS/HB 877**. The vote was:

Session Vote Sequence: 1145

Speaker Cannon in the Chair.

Yeas—106

Abruzzo	Dorworth	Logan	Rogers
Adkins	Drake	Lopez-Cantera	Rooney
Ahern	Eisnaugle	Mayfield	Rouson
Albritton	Ford	McBurney	Sands
Artiles	Fresen	McKeel	Saunders
Aubuchon	Frishe	Metz	Schenck
Baxley	Fullwood	Moraitis	Schwartz
Bembry	Garcia	Nelson	Slosberg
Berman	Gibbons	Nuñez	Smith
Bernard	Glorioso	O'Toole	Snyder
Bileca	Gonzalez	Oliva	Soto
Boyd	Goodson	Pafford	Stafford
Brandes	Grant	Passidomo	Steube
Brodeur	Grimsley	Patronis	Taylor
Broxson	Harrell	Perman	Thompson, G.
Bullard	Harrison	Pilon	Thurston
Burgin	Holder	Plakon	Trujillo
Caldwell	Hooper	Porter	Van Zant
Campbell	Hudson	Porth	Waldman
Cannon	Hukill	Precourt	Watson
Clarke-Reed	Ingram	Proctor	Weatherford
Clemens	Jenne	Randolph	Weinstein
Coley	Jones	Ray	Williams, T.
Corcoran	Julien	Reed	Workman
Crisafulli	Kiar	Rehwinkel	Young
Cruz	Kriseman	Vasilinda	
Diaz	Legg	Renuart	
		Roberson, K.	

Nays—8

Davis	Hager	Perry	Tobia
Gaetz	Kreegel	Stargel	Wood

Votes after roll call:

Yeas—Chestnut, Costello, Nehr, Williams, A.

So the bill passed, as amended. The action, together with the bill and the amendments thereto, was immediately certified to the Senate.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 1485, with 1 amendment, and requests the concurrence of the House.

Debbie Brown, Secretary

CS/HB 1485—A bill to be entitled An act for the relief of Monica Cantillo Acosta and Luis Alberto Cantillo Acosta, surviving children of Nhora Acosta, by Miami-Dade County; providing for an appropriation to compensate them for the wrongful death of their mother, Nhora Acosta, due to injuries sustained as a result of the negligence of a Miami-Dade County bus driver; providing a limitation on the payment of fees and costs; providing an effective date.

(Amendment Bar Code: 701278)

Senate Amendment 1—Delete line 69

and insert:

percent of the total amount awarded under this act, absent a waiver of this fee limitation executed by the claimants, and in such event, the fee may not exceed 25 percent of the total amount awarded under this act.

Representative Steube offered the following:

(Amendment Bar Code: 529297)

House Amendment 1 to Senate Amendment 1—Remove lines 5-8 of the amendment and insert:

percent of the total amount awarded under this act. However, taxable costs, which may not include attorney's fees and lobbying fees, related to the underlying civil action may be collected in addition to 15 percent of the total amount awarded under this act.

Rep. Steube moved the adoption of the amendment to amendment, which was adopted.

On motion by Rep. Steube, the House concurred in **Senate Amendment 1**, as amended.

The question recurred on the passage of **CS/HB 1485**. The vote was:

Session Vote Sequence: 1146

Speaker Cannon in the Chair.

Yeas—112

Abruzzo	Diaz	Kriseman	Renuart
Adkins	Dorworth	Legg	Roberson, K.
Ahern	Drake	Logan	Rogers
Albritton	Eisnaugle	Lopez-Cantera	Rooney
Artiles	Ford	Mayfield	Rouson
Aubuchon	Fresen	McBurney	Sands
Baxley	Frishe	McKeel	Saunders
Bembry	Fullwood	Metz	Schenck
Berman	Gaetz	Moraitis	Schwartz
Bernard	Garcia	Nehr	Slosberg
Bileca	Gibbons	Nelson	Smith
Boyd	Glorioso	Nuñez	Snyder
Brandes	Gonzalez	O'Toole	Soto
Brodeur	Goodson	Oliva	Stafford
Broxson	Grant	Pafford	Steube
Bullard	Grimsley	Passidomo	Taylor
Burgin	Harrell	Patronis	Thompson, G.
Caldwell	Harrison	Perman	Thurston
Campbell	Holder	Pilon	Trujillo
Cannon	Hooper	Plakon	Van Zant
Chestnut	Horner	Porter	Waldman
Clarke-Reed	Hudson	Porth	Watson
Clemens	Hukill	Precourt	Weatherford
Coley	Ingram	Proctor	Weinstein
Corcoran	Jenne	Randolph	Williams, A.
Costello	Jones	Ray	Williams, T.
Crisafulli	Julien	Reed	Workman
Cruz	Kiar	Rehwinkel	Young
		Vasilinda	

Nays—7

Davis	Kreegel	Stargel	Wood
Hager	Perry	Tobia	

Votes after roll call:

Yeas to Nays—Gaetz

So the bill passed, as amended. The action, together with the bill and amendments thereto, was immediately certified to the Senate.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 579, with 1 amendment, and requests the concurrence of the House.

Debbie Brown, Secretary

CS/HB 579—A bill to be entitled An act for the relief of Ronnie Lopez and Roberto Guzman, as co-personal representatives of the Estate of Ana-Yency Velasquez, deceased, and for Ronnie Lopez, Jr., Ashley Lorena Lopez-Velasquez, and Steven Robert Guzman, minor children of Ana-Yency Velasquez, by Miami-Dade County; providing for an appropriation to compensate the estate and the minor children for the death of Ana-Yency Velasquez as a result of the negligence of an employee of Miami-Dade County; providing a limitation on the payment of fees and costs; providing an effective date.

(Amendment Bar Code: 104584)

Senate Amendment 1—Delete line 85 and insert:

remainder awarded under this act, for a total of \$151,000, absent a waiver of this fee limitation executed by the claimants, and in such event, the fee may not exceed 25 percent of the total amount awarded under this act.

Representative Nuñez offered the following:

(Amendment Bar Code: 721239)

House Amendment 1 to Senate Amendment 1—Remove lines 5-8 of the amendment and insert:

remainder awarded under this act, for a total of \$151,000. However, taxable costs, which may not include attorney's fees and lobbying fees, related to the underlying civil action may be collected in addition to the \$151,000.

Rep. Nuñez moved the adoption of the amendment to the amendment, which was adopted.

On motion by Rep. Nuñez, the House concurred in **Senate Amendment 1** as amended.

The question recurred on the passage of **CS/HB 579**. The vote was:

Session Vote Sequence: 1147

Speaker Cannon in the Chair.

Yeas—111

Abruzzo	Clemens	Harrison	Nuñez
Adkins	Coley	Holder	O'Toole
Ahern	Corcoran	Hooper	Oliva
Albritton	Costello	Horner	Pafford
Artiles	Crisafulli	Hudson	Passidomo
Aubuchon	Cruz	Hukill	Patronis
Baxley	Diaz	Ingram	Perman
Bembry	Dorworth	Jenne	Pilon
Berman	Drake	Jones	Plakon
Bernard	Eisnagle	Julien	Porter
Bileca	Ford	Kiar	Porth
Boyd	Fresen	Kriseman	Precourt
Brandes	Frishe	Legg	Proctor
Brodeur	Fullwood	Logan	Ray
Broxson	Garcia	Lopez-Cantera	Reed
Bullard	Gibbons	Mayfield	Rehwinkel Vasilinda
Burgin	Glorioso	McBurney	Renuart
Caldwell	Gonzalez	McKeel	Roberson, K.
Campbell	Goodson	Metz	Rogers
Cannon	Grant	Moraitis	Rooney
Chestnut	Grimsley	Nehr	Rouson
Clarke-Reed	Harrell	Nelson	Sands

Saunders	Soto	Thurston	Weinstein
Schenck	Stafford	Trujillo	Williams, A.
Schwartz	Stargel	Van Zant	Williams, T.
Slosberg	Steube	Waldman	Workman
Smith	Taylor	Watson	Young
Snyder	Thompson, G.	Weatherford	

Nays—7

Davis	Hager	Perry	Wood
Gaetz	Kreegel	Tobia	

So the bill passed, as amended. The action, together with the bill and the amendments thereto, was immediately certified to the Senate.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 1039, with 1 amendment, and requests the concurrence of the House.

Debbie Brown, Secretary

CS/HB 1039—A bill to be entitled An act for the relief of James D. Feurtado, III, by Miami-Dade County; providing for an appropriation to compensate him for injuries he sustained as a result of the negligence of an employee of Miami-Dade County; providing a limitation on the payment of fees and costs; providing an effective date.

(Amendment Bar Code: 611218)

Senate Amendment 1—Delete line 79 and insert:

this act, for a total of \$165,000, absent a waiver of this fee limitation executed by the claimant, and in such event, the fee may not exceed 25 percent of the total amount awarded under this act.

Representative Steube offered the following:

(Amendment Bar Code: 062571)

House Amendment 1 to Senate Amendment 1—Remove lines 5-8 of the amendment and insert:

this act, for a total of \$165,000. However, taxable costs, which may not include attorney's fees and lobbying fees, related to the underlying civil action may be collected in addition to the \$165,000.

Rep. Steube moved the adoption of the amendment to the amendment, which was adopted.

On motion by Rep. Steube, the House concurred in **Senate Amendment 1**, as amended.

The question recurred on the passage of **CS/HB 1039**. The vote was:

Session Vote Sequence: 1148

Speaker Cannon in the Chair.

Yeas—110

Abruzzo	Bileca	Chestnut	Drake
Adkins	Boyd	Clarke-Reed	Eisnagle
Ahern	Brandes	Clemens	Ford
Albritton	Brodeur	Coley	Fresen
Artiles	Broxson	Corcoran	Frishe
Aubuchon	Bullard	Costello	Fullwood
Baxley	Burgin	Crisafulli	Garcia
Bembry	Caldwell	Cruz	Gibbons
Berman	Campbell	Diaz	Glorioso
Bernard	Cannon	Dorworth	Gonzalez

Goodson	Lopez-Cantera	Porth	Stafford
Grant	Mayfield	Precourt	Stargel
Grimsley	McBurney	Proctor	Steube
Harrell	McKeel	Ray	Taylor
Harrison	Metz	Reed	Thompson, G.
Holder	Moraitis	Renuart	Thurston
Hooper	Nehr	Roberson, K.	Trujillo
Horner	Nelson	Rogers	Van Zant
Hudson	Núñez	Rooney	Waldman
Hukill	O'Toole	Rouson	Watson
Ingram	Oliva	Sands	Weatherford
Jenne	Pafford	Saunders	Weinstein
Jones	Passidomo	Schenck	Williams, A.
Julien	Patronis	Schwartz	Williams, T.
Kiar	Perman	Slosberg	Workman
Kriseman	Pilon	Smith	Young
Legg	Plakon	Snyder	
Logan	Porter	Soto	

Nays—7

Davis	Hager	Perry	Wood
Gaetz	Kreegel	Tobia	

Votes after roll call:

Yeas—Rehwinkel Vasilinda

So the bill passed, as amended. The action, together with the bill and the amendments thereto, was immediately certified to the Senate.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 909, with 1 amendment, and requests the concurrence of the House.

Debbie Brown, Secretary

CS/HB 909—A bill to be entitled An act for the relief of Anais Cruz Peinado by the School Board of Miami-Dade County; providing for an appropriation to compensate Anais Cruz Peinado, mother of Juan Carlos Rivera, deceased, for the death of Juan Carlos Rivera as a result of the negligence of the School Board of Miami-Dade County; providing a limitation on the payment of fees and costs; providing an effective date.

(Amendment Bar Code: 150482)

Senate Amendment 1—Delete line 56 and insert:

remainder awarded under this act, for a total of \$167,000, absent a waiver of this fee limitation executed by the claimant, and in such event, the fee may not exceed 25 percent of the total amount awarded under this act.

Representative Gonzalez offered the following:

(Amendment Bar Code: 767777)

House Amendment 1 to Senate Amendment 1—Remove lines 5-8 of the amendment and insert:

remainder awarded under this act, for a total of \$167,000. However, taxable costs, which may not include attorney's fees and lobbying fees, related to the underlying civil action may be collected in addition to the \$167,000.

Rep. Gonzalez moved the adoption of the amendment to the amendment, which was adopted.

On motion by Rep. Gonzalez, the House concurred in **Senate Amendment 1**, as amended.

The question recurred on the passage of **CS/HB 909**. The vote was:

Session Vote Sequence: 1149

Speaker Cannon in the Chair.

Yeas—109

Abruzzo	Dorworth	Logan	Rogers
Adkins	Drake	Lopez-Cantera	Rooney
Ahern	Eisnaugle	Mayfield	Sands
Albritton	Ford	McBurney	Saunders
Artiles	Fresen	McKeel	Schenck
Aubuchon	Frishe	Metz	Schwartz
Baxley	Fullwood	Moraitis	Slosberg
Bembry	Garcia	Nehr	Smith
Berman	Gibbons	Nelson	Snyder
Bernard	Glorioso	Núñez	Soto
Bileca	Gonzalez	O'Toole	Stafford
Boyd	Goodson	Oliva	Steube
Brandes	Grant	Pafford	Taylor
Brodeur	Grimsley	Passidomo	Thompson, G.
Broxson	Harrell	Patronis	Thurston
Bullard	Harrison	Perman	Trujillo
Burgin	Holder	Pilon	Van Zant
Caldwell	Hooper	Plakon	Waldman
Campbell	Horner	Porter	Watson
Cannon	Hudson	Porth	Weatherford
Clarke-Reed	Hukill	Precourt	Weinstein
Clemens	Ingram	Proctor	Williams, A.
Coley	Jenne	Randolph	Williams, T.
Corcoran	Jones	Ray	Workman
Costello	Julien	Reed	Young
Crisafulli	Kiar	Rehwinkel Vasilinda	
Cruz	Kriseman	Renuart	
Diaz	Legg	Roberson, K.	

Nays—8

Davis	Hager	Perry	Tobia
Gaetz	Kreegel	Stargel	Wood

Votes after roll call:

Yeas—Chestnut

So the bill passed, as amended. The action, together with the bill and the amendments thereto, was immediately certified to the Senate.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 697, with 1 amendment, and requests the concurrence of the House.

Debbie Brown, Secretary

CS/HB 697—A bill to be entitled An act for the relief of Donald Brown by the District School Board of Sumter County; providing for an appropriation to compensate Donald Brown for injuries sustained as a result of the negligence of an employee of the District School Board of Sumter County; providing a limitation on the payment of fees and costs; providing an effective date.

(Amendment Bar Code: 651476)

Senate Amendment 1—Delete line 121 and insert:

\$190,000, absent a waiver of this fee limitation executed by the claimant, and in such event, the fee may not exceed 25 percent of the total amount awarded under this act.

Representative McBurney offered the following:

(Amendment Bar Code: 951941)

House Amendment 1 to Senate Amendment 1—Remove lines 5-7 of the amendment and insert:

\$190,000. However, taxable costs, which may not include attorney's fees and lobbying fees, related to the underlying civil action may be collected in addition to the \$190,000.

Rep. McBurney moved the adoption of the amendment to the amendment, which was adopted.

On motion by Rep. McBurney, the House concurred in **Senate Amendment 1**, as amended.

The question recurred on the passage of **CS/HB 697**. The vote was:

Session Vote Sequence: 1150

Speaker Cannon in the Chair.

Yeas—111

Abruzzo	Diaz	Legg	Roberson, K.
Adkins	Dorworth	Logan	Rogers
Ahern	Drake	Lopez-Cantera	Rooney
Albritton	Eisnaugle	Mayfield	Rouson
Artiles	Ford	McBurney	Sands
Aubuchon	Fresen	McKeel	Saunders
Baxley	Frishe	Metz	Schenck
Bembry	Fullwood	Moraitis	Schwartz
Berman	Garcia	Nehr	Slosberg
Bernard	Gibbons	Nelson	Smith
Bileca	Glorioso	Nuñez	Snyder
Boyd	Gonzalez	O'Toole	Soto
Brandes	Goodson	Oliva	Stafford
Brodeur	Grant	Pafford	Steube
Broxson	Grimsley	Passidomo	Taylor
Bullard	Harrell	Patronis	Thompson, G.
Burgin	Harrison	Perman	Thurston
Caldwell	Holder	Pilon	Trujillo
Campbell	Hooper	Plakon	Van Zant
Cannon	Horner	Porter	Waldman
Chestnut	Hudson	Porth	Watson
Clarke-Reed	Hukill	Precourt	Weatherford
Clemens	Ingram	Proctor	Weinstein
Coley	Jenne	Randolph	Williams, A.
Corcoran	Jones	Ray	Williams, T.
Costello	Julien	Reed	Workman
Crisafulli	Kiar	Rehwinkel Vasilinda	Young
Cruz	Kriseman	Renuart	

Nays—8

Davis	Hager	Perry	Tobia
Gaetz	Kreegel	Stargel	Wood

So the bill passed, as amended. The action, together with the bill and the amendments thereto, was immediately certified to the Senate.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 855, with 1 amendment, and requests the concurrence of the House.

Debbie Brown, Secretary

CS/HB 855—A bill to be entitled An act for the relief of Carl Abbott by the Palm Beach County School Board; providing for an appropriation to compensate Carl Abbott for injuries sustained as a result of the negligence of the Palm Beach County School District; providing a limitation on the payment of fees and costs; providing an effective date.

(Amendment Bar Code: 239246)

Senate Amendment 1—Delete line 59

and insert:

\$240,000, absent a waiver of this fee limitation executed by the guardian of the claimant, and in such event, the fee may not exceed 25 percent of the total amount awarded under this act.

Representative Workman offered the following:

(Amendment Bar Code: 527557)

House Amendment 1 to Senate Amendment 1—Remove lines 5-7 of the amendment and insert:

\$240,000. However, taxable costs, which may not include attorney's fees and lobbying fees, related to the underlying civil action may be collected in addition to the \$240,000.

Rep. Workman moved the adoption of the amendment to the amendment, which was adopted.

On motion by Rep. Workman, the House concurred in **Senate Amendment 1**, as amended.

The question recurred on the passage of **CS/HB 855**. The vote was:

Session Vote Sequence: 1151

Speaker Cannon in the Chair.

Yeas—110

Abruzzo	Dorworth	Logan	Rogers
Adkins	Drake	Lopez-Cantera	Rooney
Ahern	Eisnaugle	Mayfield	Rouson
Albritton	Ford	McBurney	Sands
Artiles	Fresen	McKeel	Saunders
Aubuchon	Frishe	Metz	Schenck
Baxley	Fullwood	Moraitis	Schwartz
Bembry	Garcia	Nehr	Slosberg
Berman	Gibbons	Nelson	Smith
Bernard	Glorioso	Nuñez	Snyder
Bileca	Gonzalez	O'Toole	Soto
Boyd	Goodson	Oliva	Stafford
Brandes	Grant	Pafford	Steube
Brodeur	Grimsley	Passidomo	Taylor
Broxson	Harrell	Patronis	Thompson, G.
Bullard	Harrison	Perman	Thurston
Burgin	Holder	Pilon	Trujillo
Caldwell	Hooper	Plakon	Van Zant
Campbell	Horner	Porter	Waldman
Cannon	Hudson	Porth	Watson
Clarke-Reed	Hukill	Precourt	Weatherford
Clemens	Ingram	Proctor	Weinstein
Coley	Jenne	Randolph	Williams, A.
Corcoran	Jones	Ray	Williams, T.
Costello	Julien	Reed	Workman
Crisafulli	Kiar	Rehwinkel Vasilinda	Young
Cruz	Kriseman	Renuart	
Diaz	Legg	Roberson, K.	

Nays—8

Davis	Hager	Perry	Tobia
Gaetz	Kreegel	Stargel	Wood

Votes after roll call:

Yeas—Chestnut

So the bill passed, as amended. The action, together with the bill and amendments thereto, was immediately certified to the Senate.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 457, with 1 amendment, and requests the concurrence of the House.

Debbie Brown, Secretary

CS/HB 457—A bill to be entitled An act for the relief of Denise Gordon Brown and David Brown by the North Broward Hospital District; providing for an appropriation to compensate Denise Gordon Brown and David Brown, parents of Darian Brown, for injuries and damages sustained by Darian Brown as result of the negligence of Broward General Medical Center; providing a limitation on the payment of fees and costs; providing an effective date.

(Amendment Bar Code: 209258)

Senate Amendment 1—Delete line 68 and insert:

for a total of \$250,000, absent a waiver of this fee limitation executed by the claimants, and in such event, the fee may not exceed 25 percent of the total amount awarded under this act.

Representative Nehr offered the following:

(Amendment Bar Code: 248465)

House Amendment 1 to Senate Amendment 1—Remove lines 5-7 of the amendment and insert:

for a total of \$250,000. However, taxable costs, which may not include attorney fees and lobbying fees, related to the underlying civil action may be collected in addition to the \$250,000.

Rep. Nehr moved the adoption of the amendment to the amendment, which was adopted.

On motion by Rep. Nehr, the House concurred in **Senate Amendment 1**, as amended.

The question recurred on the passage of **CS/HB 457**. The vote was:

Session Vote Sequence: 1152

Speaker Cannon in the Chair.

Yeas—109

Abruzzo	Drake	Lopez-Cantera	Rooney
Adkins	Eisnaugle	Mayfield	Rouson
Ahern	Ford	McBurney	Sands
Albritton	Fresen	McKeel	Saunders
Artiles	Frishe	Metz	Schenck
Aubuchon	Fullwood	Moraitis	Schwartz
Baxley	Garcia	Nehr	Slosberg
Bembry	Gibbons	Nelson	Smith
Berman	Glorioso	Nuñez	Snyder
Bernard	Gonzalez	O'Toole	Soto
Bileca	Goodson	Oliva	Stafford
Boyd	Grant	Pafford	Steube
Brodeur	Grimsley	Passidomo	Taylor
Broxson	Harrell	Patronis	Thompson, G.
Bullard	Harrison	Perman	Thurston
Burgin	Holder	Pilon	Trujillo
Caldwell	Hooper	Plakon	Van Zant
Campbell	Horner	Porter	Waldman
Cannon	Hudson	Porth	Watson
Clarke-Reed	Hukill	Precourt	Weatherford
Clemens	Ingram	Proctor	Weinstein
Coley	Jenne	Randolph	Williams, A.
Corcoran	Jones	Ray	Williams, T.
Costello	Julien	Reed	Workman
Crisafulli	Kiar	Rehwinkel Vasilinda	Young
Cruz	Kriseman	Renuart	
Diaz	Legg	Roberson, K.	
Dorworth	Logan	Rogers	

Nays—8

Davis	Hager	Perry	Tobia
Gaetz	Kreegel	Stargel	Wood

Votes after roll call:

Yeas—Brandes, Chestnut

So the bill passed, as amended. The action, together with the bill and the amendments thereto, was immediately certified to the Senate.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 967, with 1 amendment, and requests the concurrence of the House.

Debbie Brown, Secretary

CS/HB 967—A bill to be entitled An act for the relief of Kristi Mellen as personal representative of the Estate of Michael Munson, deceased, by the North Broward Hospital District; providing for an appropriation to compensate the estate and the statutory survivors, Kristi Mellen, surviving spouse, and Michael Conner Munson and Corinne Keller Munson, surviving minor son and surviving minor daughter, for the wrongful death of Michael Munson as a result of the negligence of the North Broward Hospital District; providing a limitation on the payment of fees and costs; providing an effective date.

(Amendment Bar Code: 560400)

Senate Amendment 1—Delete line 94 and insert:

remainder awarded under this act, for a total of \$290,000, absent a waiver of this fee limitation executed by the claimant, and in such event, the fee may not exceed 25 percent of the total amount awarded under this act.

Representative Diaz offered the following:

(Amendment Bar Code: 333797)

House Amendment 1 to Senate Amendment 1—Remove lines 5-8 of the amendment and insert:

remainder awarded under this act, for a total of \$290,000. However, taxable costs, which may not include attorney's fees and lobbying fees, related to the underlying civil action may be collected in addition to the \$290,000.

Rep. Diaz moved the adoption of the amendment to the amendment, which was adopted.

On motion by Rep. Diaz, the House concurred in **Senate Amendment 1**, as amended.

The question recurred on the passage of **CS/HB 967**. The vote was:

Session Vote Sequence: 1153

Speaker Cannon in the Chair.

Yeas—111

Abruzzo	Bernard	Campbell	Cruz
Adkins	Bileca	Cannon	Diaz
Ahern	Boyd	Chestnut	Dorworth
Albritton	Brandes	Clarke-Reed	Drake
Artiles	Brodeur	Clemens	Eisnaugle
Aubuchon	Broxson	Coley	Ford
Baxley	Bullard	Corcoran	Fresen
Bembry	Burgin	Costello	Frishe
Berman	Caldwell	Crisafulli	Fullwood

Garcia	Kriseman	Plakon	Smith
Gibbons	Legg	Porter	Snyder
Glorioso	Logan	Porth	Soto
Gonzalez	Lopez-Cantera	Precourt	Stafford
Goodson	Mayfield	Proctor	Steube
Grant	McBurney	Randolph	Taylor
Grimsley	McKeel	Ray	Thompson, G.
Harrell	Metz	Reed	Thurston
Harrison	Moraitis	Rehwinkel Vasilinda	Trujillo
Holder	Nehr	Renuart	Van Zant
Hooper	Nelson	Roberson, K.	Waldman
Horner	Núñez	Rogers	Watson
Hudson	O'Toole	Rooney	Weatherford
Hukill	Oliva	Rouson	Weinstein
Ingram	Pafford	Sands	Williams, A.
Jenne	Passidomo	Saunders	Williams, T.
Jones	Patronis	Schenck	Workman
Julien	Perman	Schwartz	Young
Kiar	Pilon	Slosberg	

Nays—8

Davis	Hager	Perry	Tobia
Gaetz	Kreegel	Stargel	Wood

So the bill passed, as amended. The action, together with the bill and amendments thereto, was immediately certified to the Senate.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has amended House Amendment 1 with Senate Amendment 1, concurred in the same as amended, and passed CS for SB 4, as further amended, and requests the concurrence of the House.

Debbie Brown, Secretary

By the Committee on Rules; and Senator Benacquisto—

CS/SB 4—A bill to be entitled An act for the relief of Eric Brody by the Broward County Sheriff's Office; providing for an appropriation to compensate Eric Brody for injuries sustained as a result of the negligence of the Broward County Sheriff's Office; providing a limitation on the payment of fees and costs related to the claim against the Broward County Sheriff's Office; providing legislative intent regarding lien interests held by the state; providing an effective date.

(Amendment Bar Code: 653030)

Senate Amendment 1 to House Amendment 1—Delete lines 16 - 34 and insert:

Section 3. The amount awarded under this act is intended to provide the sole compensation for all present and future claims, including all attorney fees, lobbying fees, and related costs, arising out of the factual situation described in this act which resulted in the injuries to Eric Brody, and hereby releases the Broward County Sheriff's Office and Fairmont Specialty Insurance Company, f/k/a Ranger Insurance Company, the Broward County Board of County Commissioners, Broward County, and Christopher Thieman from any further liability. The total amount of attorney fees, lobbying fees, and related costs may not exceed 15 percent of the first \$1,000,000 awarded under this act, 10 percent of the second \$1,000,000 awarded under this act, and 5 percent of the next \$3,000,000 awarded under this act, for a total of \$400,000, absent a waiver of this fee limitation executed by the legal guardians of the Guardianship of Eric Brody, and in such event, the fee may not exceed 25 percent of the total amount awarded under this act. All attorney fees, lobbying fees, and related costs under this act shall be paid exclusively to the claimants' attorneys and lobbyists registered pursuant to s. 11.045, Florida Statutes.

Section 4. It is the intent of the Legislature that all lien interests relating to the claim of the Guardianship of Eric Brody, including liens for the treatment and care of Eric Brody and Medicaid liens, are hereby waived or extinguished.

Representative Grant offered the following:

(Amendment Bar Code: 166467)

House Amendment 1 to Senate Amendment 1—Remove lines 13-28 and insert:

Thieman from any further liability. No part of the amount awarded under this act may be used toward the payment of attorney fees, lobbying fees, costs, or other similar expenses incurred on behalf of the Guardianship of Eric Brody in pursuit of this claim or the related underlying litigation.

Section 4. It is the intent of the Legislature that the lien interests relating to the claim of the Guardianship of Eric Brody for the treatment and care of Eric Brody, including Medicaid liens, are hereby waived or extinguished.

Rep. Grant moved the adoption of **House Amendment 1 to Senate Amendment 1 to House Amendment 1**, which was adopted.

On motion by Rep. Grant, the House concurred in **Senate Amendment 1 to House Amendment 1**, as amended.

The question recurred on the passage of **CS for SB 4**. The vote was:

Session Vote Sequence: 1154

Speaker Cannon in the Chair.

Yeas—110

Abruzzo	Diaz	Legg	Rogers
Adkins	Dorworth	Logan	Rooney
Ahern	Drake	Lopez-Cantera	Rouson
Albritton	Eisnagle	Mayfield	Sands
Artiles	Ford	McBurney	Saunders
Aubuchon	Fresen	Metz	Schenck
Baxley	Frishe	Moraitis	Schwartz
Bembry	Fullwood	Nehr	Slosberg
Berman	Garcia	Nelson	Smith
Bernard	Gibbons	Núñez	Snyder
Bileca	Glorioso	O'Toole	Soto
Boyd	Gonzalez	Oliva	Stafford
Brandes	Goodson	Pafford	Steube
Brodeur	Grant	Passidomo	Taylor
Broxson	Grimsley	Patronis	Thompson, G.
Bullard	Harrell	Perman	Thurston
Burgin	Harrison	Pilon	Trujillo
Caldwell	Holder	Plakon	Van Zant
Campbell	Hooper	Porter	Waldman
Cannon	Horner	Porth	Watson
Chestnut	Hudson	Precourt	Weatherford
Clarke-Reed	Hukill	Proctor	Weinstein
Clemens	Ingram	Randolph	Williams, A.
Coley	Jenne	Ray	Williams, T.
Corcoran	Jones	Reed	Workman
Costello	Julien	Rehwinkel Vasilinda	Young
Crisafulli	Kiar	Renuart	
Cruz	Kriseman	Roberson, K.	

Nays—7

Davis	Hager	Stargel	Wood
Gaetz	Perry	Tobia	

So the bill passed, as amended. The action, together with the bill and the amendments thereto, was immediately certified to the Senate.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7131, with 1 amendment, and requests the concurrence of the House.

Debbie Brown, Secretary

HB 7131—A bill to be entitled An act for the relief of Irving Hoffman and Marjorie Weiss, parents of Rachel Hoffman, deceased, individually and as co-personal representatives of the Estate of Rachel Hoffman, by the City of Tallahassee; providing an appropriation to compensate them for the wrongful death of their daughter, Rachel Hoffman, who was murdered while serving as a confidential informant for the Tallahassee Police Department; providing a limitation on the payment of fees and costs; providing an effective date.

(Amendment Bar Code: 545032)

Senate Amendment 1—Delete line 53

and insert:

\$270,000, absent a waiver of this fee limitation executed by the claimants, and in such event, the fee may not exceed 25 percent of the total amount awarded under this act.

Representative Julien offered the following:

(Amendment Bar Code: 525769)

House Amendment 1 to Senate Amendment 1—Remove lines 5-7 of the amendment and insert:

\$270,000. However, taxable costs, which may not include attorney fees and lobbying fees, related to the underlying civil action may be collected in addition to the \$270,000.

Rep. Julien moved the adoption of the amendment to the amendment, which was adopted.

Representative Gaetz offered the following:

(Amendment Bar Code: 218861)

House Amendment 2 to Senate Amendment 1—Remove line 7 of the amendment and insert:

of the total amount awarded under this act and 100 percent of such fee shall be donated to the BEST Foundation for a Drug-Free Tomorrow for drug abuse prevention programs.

Rep. Gaetz, moved the adoption of the amendment to the amendment. Subsequently, **House Amendment 2** was withdrawn.

On motion by Rep. Julien, the House concurred in **Senate Amendment 1**, as amended.

The question recurred on the passage of **HB 7131**. The vote was:

Session Vote Sequence: 1155

Speaker Cannon in the Chair.

Yeas—107

Abruzzo	Brandes	Costello	Glorioso
Adkins	Brodeur	Crisafulli	Gonzalez
Ahern	Broxson	Cruz	Goodson
Albritton	Bullard	Diaz	Grant
Artiles	Caldwell	Drake	Grimsley
Aubuchon	Campbell	Eisnagle	Harrell
Baxley	Cannon	Ford	Harrison
Bembry	Chestnut	Fresen	Holder
Berman	Clarke-Reed	Frishe	Hooper
Bernard	Clemens	Fullwood	Horner
Bileca	Coley	Garcia	Hudson
Boyd	Corcoran	Gibbons	Hukill

Ingram	Nelson	Reed	Steube
Jenne	Nuñez	Rehwinkel Vasilinda	Taylor
Jones	O'Toole	Renuart	Thompson, G.
Julien	Oliva	Roberson, K.	Thurston
Kiar	Pafford	Rogers	Trujillo
Kriseman	Passidomo	Rooney	Van Zant
Legg	Patronis	Rouson	Waldman
Logan	Perman	Sands	Watson
Lopez-Cantera	Pilon	Saunders	Weatherford
Mayfield	Porter	Schwartz	Weinstein
McBurney	Porth	Slosberg	Williams, A.
McKeel	Precourt	Smith	Williams, T.
Metz	Proctor	Snyder	Workman
Moraitis	Randolph	Soto	Young
Nehr	Ray	Stafford	

Nays—11

Burgin	Gaetz	Perry	Tobia
Davis	Hager	Schenck	Wood
Dorworth	Kreegel	Stargel	

So the bill passed, as amended. The action, together with the bill and amendments thereto, was immediately certified to the Senate.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for CS for HB 1355, with 3 amendments, and requests the concurrence of the House.

Debbie Brown, Secretary

CS/CS/CS/HB 1355—A bill to be entitled An act relating to protection of vulnerable persons; amending s. 39.201, F.S.; revising language concerning child abuse reporting; requiring the Department of Children and Family Services to provide for web-chat and update other web-based forms for reporting child abuse, abandonment, or neglect; requiring a study on the use of short message format for the central abuse hotline; requiring the development of a public awareness campaign for the central abuse hotline; requiring the collection of statistical reports on child abuse and child sexual abuse on campuses of colleges and universities; amending s. 39.205, F.S.; increasing criminal penalties for knowingly and willfully failing to report known or suspected child abuse, abandonment, or neglect, or knowingly and willfully preventing another person from doing so; requiring specified educational institutions and their law enforcement agencies to report known or suspected child abuse, abandonment, or neglect in certain circumstances; providing financial penalties for violations; providing for challenges to findings of determinations; providing for a presumption in certain circumstances; creating s. 39.309, F.S.; requiring the department to develop and implement a program of social services and rehabilitative services for the parent or legal custodian of a child seeking assistance; amending s. 409.1671, F.S.; requiring eligible lead community-based providers to have parent assistance programs pursuant to specified provisions; creating s. 796.036, F.S.; providing for upward reclassification of certain prostitution offenses involving minors; amending s. 960.198, F.S.; providing for denial of relocation payment for a domestic violence claim if the Department of Legal Affairs has previously paid a sexual battery relocation claim to the same victim for the same incident; creating s. 960.199, F.S.; providing for relocation assistance payments to victims of sexual battery; providing criteria for awards; providing for denial of relocation payment for a sexual battery claim if the department has previously paid a domestic violence relocation claim to the same victim for the same incident; providing an appropriation; amending s. 1012.98, F.S.; providing a continuing education requirement for certain teachers on identifying and reporting child abuse and neglect; providing an appropriation; authorizing a specified numbers of full-time equivalent positions with associated salary rates within the Department of Children and Family Services; amending s. 827.03, F.S.; defining the term "mental injury" with respect to the offenses of abuse, aggravated abuse, and neglect of a child; requiring that a physician or psychologist acting as an expert witness in certain

proceedings have certain credentials; amending ss. 775.084, 775.0877, 782.07, 921.0022, and 948.062, F.S.; conforming cross-references; amending s. 960.03, F.S.; redefining the term "crime" for purposes of crime victims compensation to include additional forms of injury; redefining the term "victim" to conform with the modified definition of the term "crime"; providing an effective date.

(Amendment Bar Code: 904562)

Senate Amendment 1 (with title amendment)—Delete lines 304 - 370.

===== TITLE AMENDMENT =====

And the title is amended as follows:

Delete lines 24 - 30
and insert:
circumstances;

On motion by Rep. Dorworth, the House concurred in **Senate Amendment 1**.

(Amendment Bar Code: 215940)

Senate Amendment 4—Delete lines 67 - 146

and insert:

Section 1. Subsections (1), (2), and (4) of section 39.201, Florida Statutes, are amended to read:

39.201 Mandatory reports of child abuse, abandonment, or neglect; mandatory reports of death; central abuse hotline.—

(1)(a) Any person who knows, or has reasonable cause to suspect, that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare, as defined in this chapter, or that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care shall report such knowledge or suspicion to the department in the manner prescribed in subsection (2).

(b) Any person who knows, or who has reasonable cause to suspect, that a child is abused by an adult other than a parent, legal custodian, caregiver, or other person responsible for the child's welfare, as defined in this chapter, shall report such knowledge or suspicion to the department in the manner prescribed in subsection (2).

(c) Any person who knows, or has reasonable cause to suspect, that a child is the victim of childhood sexual abuse or the victim of a known or suspected juvenile sexual offender, as defined in this chapter, shall report such knowledge or suspicion to the department in the manner prescribed in subsection (2).

(d)(b) Reporters in the following occupation categories are required to provide their names to the hotline staff:

1. Physician, osteopathic physician, medical examiner, chiropractic physician, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of persons;
2. Health or mental health professional other than one listed in subparagraph 1.;
3. Practitioner who relies solely on spiritual means for healing;
4. School teacher or other school official or personnel;
5. Social worker, day care center worker, or other professional child care, foster care, residential, or institutional worker;
6. Law enforcement officer; or
7. Judge.

The names of reporters shall be entered into the record of the report, but shall be held confidential and exempt as provided in s. 39.202.

(e)(e) A professional who is hired by or enters into a contract with the department for the purpose of treating or counseling any person, as a result of a report of child abuse, abandonment, or neglect, is not required to again report to the central abuse hotline the abuse, abandonment, or neglect that was the subject of the referral for treatment.

(f)(d) An officer or employee of the judicial branch is not required to again provide notice of reasonable cause to suspect child abuse, abandonment, or neglect when that child is currently being investigated by the department, there is an existing dependency case, or the matter has previously been reported to the department, provided there is reasonable cause to believe the information is already known to the department. This paragraph applies only when the information has been provided to the officer or employee in the course of carrying out his or her official duties.

(g)(e) Nothing in this chapter or in the contracting with community-based care providers for foster care and related services as specified in s. 409.1671 shall be construed to remove or reduce the duty and responsibility of any person, including any employee of the community-based care provider, to report a suspected or actual case of child abuse, abandonment, or neglect or the sexual abuse of a child to the department's central abuse hotline.

(2)(a) Each report of known or suspected child abuse, abandonment, or neglect by a parent, legal custodian, caregiver, or other person responsible for the child's welfare as defined in this chapter, except those solely under s. 827.04(3), and each report that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care shall be made immediately to the department's central abuse hotline. Such reports may be made on the single statewide toll-free telephone number or via fax, web-based chat, or web-based report. Personnel at the department's central abuse hotline shall determine if the report received meets the statutory definition of child abuse, abandonment, or neglect. Any report meeting one of these definitions shall be accepted for the protective investigation pursuant to part III of this chapter.

(b) Each report of known or suspected child abuse by an adult other than a parent, legal custodian, caregiver, or other person responsible for the child's welfare, as defined in this chapter, shall be made immediately to the department's central abuse hotline. Such reports may be made on the single statewide toll-free telephone number or via fax, web-based chat, or web-based report. Such reports or calls shall be immediately electronically transferred to the appropriate county sheriff's office by the central abuse hotline. If the report is of an instance of known or suspected child abuse by someone other than a parent, legal custodian, caregiver, or other person responsible for the child's welfare as defined in this chapter, the report or call shall be immediately electronically transferred to the appropriate county sheriff's office by the central abuse hotline.

(c) Reports involving a known or suspected juvenile sexual offender or a child who has exhibited inappropriate sexual behavior shall be made and received by the department.

1. The department shall determine the age of the alleged offender, if known.

2. If the alleged offender is 12 years of age or younger, the central abuse hotline shall immediately electronically transfer the report or call to the county sheriff's office. The department shall conduct an assessment and assist the family in receiving appropriate services pursuant to s. 39.307, and send a written report of the allegation to the appropriate county sheriff's office within 48 hours after the initial report is made to the central abuse hotline.

3. If the alleged offender is 13 years of age or older, the central abuse hotline shall immediately electronically transfer the report or call to the appropriate county sheriff's office and send a written report to the appropriate county sheriff's office within 48 hours after the initial report to the central abuse hotline.

(d)(e) If the report is of an instance of known or suspected child abuse, abandonment, or neglect that occurred out of state and the alleged perpetrator and the child alleged to be a victim live out of state, the central abuse hotline shall not accept the report or call for investigation, but shall transfer the information on the report to the appropriate state.

(e)(d) If the report is of an instance of known or suspected child abuse involving impregnation of a child under 16 years of age by a person 21 years of age or older solely under s. 827.04(3), the report shall be made immediately to the appropriate county sheriff's office or other appropriate law enforcement agency. If the report is of an instance of known or suspected child abuse solely under s. 827.04(3), the reporting provisions of this subsection do not apply to health care professionals or other persons who provide medical or counseling

services to pregnant children when such reporting would interfere with the provision of medical services.

~~(f)(e) Reports involving known or suspected institutional child abuse or neglect shall be made and received in the same manner as all other reports made pursuant to this section.~~

~~(f) Reports involving a known or suspected juvenile sexual offender or a child who has exhibited inappropriate sexual behavior shall be made and received by the department.~~

~~1. The department shall determine the age of the alleged offender, if known.~~

~~2. If the alleged offender is 12 years of age or younger, the central abuse hotline shall immediately electronically transfer the report or call to the county sheriff's office. The department shall conduct an assessment and assist the family in receiving appropriate services pursuant to s. 39.307, and send a written report of the allegation to the appropriate county sheriff's office within 48 hours after the initial report is made to the central abuse hotline.~~

~~3. If the alleged offender is 13 years of age or older, the central abuse hotline shall immediately electronically transfer the report or call to the appropriate county sheriff's office and send a written report to the appropriate county sheriff's office within 48 hours after the initial report to the central abuse hotline.~~

On motion by Rep. Dorworth, the House concurred in **Senate Amendment 4**.

(Amendment Bar Code: 257028)

Senate Amendment 5—Delete line 802 and insert:

<u>827.03(2)(b)</u>	2nd	Neglect of a child causing
827.03(3)(b)		great bodily harm,
		disability, or
		disfigurement.

On motion by Rep. Dorworth, the House concurred in **Senate Amendment 5**.

The question recurred on the passage of **CS/CS/CS/HB 1355**. The vote was:

Session Vote Sequence: 1156

Speaker Cannon in the Chair.

Yeas—117

Abruzzo	Costello	Homer	Passidomo
Adkins	Crisafulli	Hudson	Patronis
Ahern	Cruz	Hukill	Perman
Albritton	Davis	Ingram	Perry
Artiles	Diaz	Jenne	Pilon
Aubuchon	Dorworth	Jones	Plakon
Bembry	Drake	Julien	Porter
Berman	Eisnaugle	Kiar	Porth
Bernard	Ford	Kreegel	Precourt
Bileca	Fresen	Kriseman	Proctor
Boyd	Fullwood	Legg	Randolph
Brandes	Gaetz	Logan	Ray
Brodeur	Garcia	Lopez-Cantera	Reed
Broxson	Gibbons	Mayfield	Rehwinkel Vasilinda
Bullard	Glorioso	McBurney	Renuart
Burgin	Gonzalez	McKeel	Roberson, K.
Caldwell	Goodson	Metz	Rogers
Campbell	Grant	Moraitis	Rooney
Cannon	Grimsley	Nehr	Rouson
Chestnut	Hager	Nelson	Sands
Clarke-Reed	Harrell	Nuñez	Saunders
Clemens	Harrison	O'Toole	Schenck
Coley	Holder	Olivia	Schwartz
Corcoran	Hooper	Pafford	Slosberg

Smith	Taylor	Waldman	Wood
Snyder	Thompson, G.	Watson	Workman
Soto	Thurston	Weatherford	Young
Stafford	Tobia	Weinstein	
Stargel	Trujillo	Williams, A.	
Steube	Van Zant	Williams, T.	

Nays—None

Votes after roll call:

Yeas—Baxley

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 517, with 1 amendment, and requests the concurrence of the House.

Debbie Brown, Secretary

CS/HB 517—A bill to be entitled An act relating to reducing and streamlining regulations; amending ss. 455.271, 468.4338, 468.525, 468.8317, 468.8417, 475.615, 475.617, 475.6175, 477.0212, 481.209, 481.211, 481.213, 481.217, 481.315, 489.116, and 489.519, F.S.; revising certain licensure requirements and continuing education requirements for reactivating a license, certificate, or registration to practice certain professions and occupations regulated by the Department of Business and Professional Regulation or a board or council within the department, including community association management, employee leasing, home inspection, mold-related services, real estate appraisal, cosmetology, architecture and interior design, landscape architecture, construction contracting, and electrical and alarm system contracting; amending s. 469.002, F.S.; providing an exemption from licensure as an asbestos consultant or contractor for activities involving pipe or conduit used for gas service; amending s. 475.6235, F.S.; revising registration requirements for appraisal management companies; amending ss. 468.391, 475.25, 475.42, 475.624, 475.6245, 475.626, 476.194, and 477.0265, F.S., relating to auctioneering, real estate brokering and appraisal, barbering, and cosmetology; revising language with respect to certain penalties; revising grounds for discipline to which penalties apply; amending s. 475.628, F.S.; requiring the Florida Real Estate Appraisal Board to adopt rules establishing professional practice standards; amending s. 373.461, F.S.; requiring certain appraisers to follow specific standards of professional practice in appraisals involving the restoration of the Lake Apopka Basin; amending s. 468.841, F.S.; exempting landscape architects from complying with provisions related to mold assessment; amending s. 474.202, F.S.; revising the definition of the terms “limited-service veterinary medical practice” and “veterinary medicine”; amending s. 475.611, F.S.; revising the definition of the terms “appraisal management company” and “appraisal management services”; amending s. 475.6171, F.S.; revising requirements for the issuance of registration or certification upon receipt of proper documentation; amending s. 475.6235, F.S.; revising provisions relating to titles an appraisal management company must be registered to use; providing exemptions from registration requirements; amending s. 455.213, F.S.; waiving initial licensing, application, and unlicensed activity fees for certain military veterans; amending s. 475.451, F.S.; authorizing distance learning courses as an acceptable alternative to classroom instruction for renewal of a real estate instructor permit; providing that distance learning courses are under the discretion of the school offering the real estate course; requiring distance learning courses to adhere to certain requirements; providing an effective date.

(Amendment Bar Code: 624598)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (c) of subsection (5) of section 373.461, Florida Statutes, is amended to read:

373.461 Lake Apopka improvement and management.—

(5) PURCHASE OF AGRICULTURAL LANDS.—

(c) The district shall explore the availability of funding from all sources, including any federal, state, regional, and local land acquisition funding programs, to purchase the agricultural lands described in paragraph (a). It is the Legislature's intent that, if such funding sources can be identified, acquisition of the lands described in paragraph (a) may be undertaken by the district to purchase these properties from willing sellers. However, the purchase price paid for acquisition of such lands that were in active cultivation during 1996 ~~may shall~~ not exceed the highest appraisal obtained by the district for these lands from a state-certified general appraiser following the standards of professional practice established by rule of the Florida Real Estate Appraisal Board, including standards for the development or communication of a real estate appraisal ~~Uniform Standards of Professional Appraisal Practice~~. This maximum purchase price limitation ~~may shall~~ not include, nor be applicable to, that portion of the purchase price attributable to consideration of income described in paragraph (b), or that portion attributable to related facilities, or closing costs.

Section 2. Subsection (12) is added to section 455.213, Florida Statutes, to read:

455.213 General licensing provisions.—

(12) The department shall waive the initial licensing fee, the initial application fee, and the initial unlicensed activity fee for a military veteran who applies to the department for a license, in a format prescribed by the department, within 24 months after discharge from any branch of the United States Armed Forces. To qualify for this waiver, the veteran must have been honorably discharged.

Section 3. Subsection (10) of section 455.271, Florida Statutes, is amended to read:

455.271 Inactive and delinquent status.—

(10) The board, or the department if there is no board, may not require before reactivation, an inactive or delinquent licensee, except for a licensee under chapter 473 or chapter 475, to complete more than one renewal cycle of shall meet the same continuing education to reactivate a license requirements, if any, imposed on an active status licensee for all biennial licensure periods in which the licensee was inactive or delinquent. This subsection does not apply to persons regulated under chapter 473.

Section 4. Section 468.391, Florida Statutes, is amended to read:

468.391 Penalty.—Any auctioneer, apprentice, or auction business or any owner or manager thereof, or, in the case of corporate ownership, any substantial stockholder of the corporation owning the auction business, who operates without an active license or violates ~~any provision of the prohibited acts listed under s. 468.389(1)(c), (e), (f), (h), or (i)~~ commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

Section 5. Section 468.4338, Florida Statutes, is amended to read:

468.4338 Reactivation; continuing education.—The council shall prescribe by rule continuing education requirements for reactivating a license. The continuing education requirements for reactivating a license may not exceed one renewal cycle of continuing education ~~10 classroom hours for each year the license was inactive.~~

Section 6. Subsection (2) of section 468.8317, Florida Statutes, is amended to read:

468.8317 Inactive license.—

(2) A license that ~~becomes has become~~ inactive may be reactivated upon application to the department. The department may prescribe by rule continuing education requirements as a condition of reactivating a license. The rules may not require more than one renewal cycle of continuing education to reactivate requirements for reactivating a license ~~may not exceed 14 hours for each year the license was inactive.~~

Section 7. Paragraph (d) of subsection (1) of section 468.841, Florida Statutes, is amended to read:

468.841 Exemptions.—

(1) The following persons are not required to comply with any provisions of this part relating to mold assessment:

(d) Persons or business organizations acting within the scope of the respective licenses required under part XV of this chapter, chapter 471, part I or part II of chapter 481, chapter 482, or chapter 489 are acting on behalf of an insurer under part VI of chapter 626, or are persons in the manufactured housing industry who are licensed under chapter 320, except when any such persons or business organizations hold themselves out for hire to the public as a "certified mold assessor," "registered mold assessor," "licensed mold assessor," "mold assessor," "professional mold assessor," or any combination thereof stating or implying licensure under this part.

Section 8. Subsection (2) of section 468.8417, Florida Statutes, is amended to read:

468.8417 Inactive license.—

(2) A license that ~~becomes has become~~ inactive may be reactivated upon application to the department. The department may prescribe by rule continuing education requirements as a condition of reactivating a license. The rules may not require more than one renewal cycle of continuing education to reactivate requirements for reactivating a license ~~may not exceed 14 hours for each year the license was inactive.~~

Section 9. Subsection (4) of section 469.002, Florida Statutes, is amended to read:

469.002 Exemptions.—

(4) Licensure as an asbestos consultant or contractor is not required for the repair, maintenance, removal, or disposal of asbestos-containing pipe or conduit, if:

(a) The pipe or conduit is used for electrical, electronic, communications, gas, sewer, or water service;

(b) The pipe or conduit is not located in a building;

(c) The pipe or conduit is made of Category I or Category II nonfriable material as defined in NESHAP; and

(d) All such activities are performed according to all applicable regulations, including work practices and training, of the United States Occupational Safety and Health Administration under 29 C.F.R. part 1926.

Section 10. Paragraph (t) of subsection (1) of section 475.25, Florida Statutes, is amended to read:

475.25 Discipline.—

(1) The commission may deny an application for licensure, registration, or permit, or renewal thereof; may place a licensee, registrant, or permittee on probation; may suspend a license, registration, or permit for a period not exceeding 10 years; may revoke a license, registration, or permit; may impose an administrative fine not to exceed \$5,000 for each count or separate offense; and may issue a reprimand, and any or all of the foregoing, if it finds that the licensee, registrant, permittee, or applicant:

(t) Has violated any standard of professional practice adopted by rule of the Florida Real Estate Appraisal Board, including standards for the development or communication of a real estate appraisal or other provision of the Uniform Standards of Professional Appraisal Practice, as defined in s. 475.611, as approved and adopted by the Appraisal Standards Board of the Appraisal Foundation, as defined in s. 475.611. This paragraph does not apply to a real estate broker or sales associate who, in the ordinary course of business, performs a comparative market analysis, gives a broker price opinion, or gives an opinion of value of real estate. However, in no event may this comparative market analysis, broker price opinion, or opinion of value of real estate be referred to as an appraisal, as defined in s. 475.611.

Section 11. Paragraph (e) of subsection (1) of section 475.42, Florida Statutes, is repealed.

Section 12. Paragraph (c) of subsection (2) of section 475.451, Florida Statutes, is amended, and subsection (9) is added to that section, to read:

475.451 Schools teaching real estate practice.—

(2) An applicant for a permit to operate a proprietary real estate school, to be a chief administrator of a proprietary real estate school or a state institution, or to be an instructor for a proprietary real estate school or a state institution must meet the qualifications for practice set forth in s. 475.17(1) and the following minimal requirements:

(c) "School instructor" means an individual who instructs persons in the classroom in noncredit college courses in a college, university, or community college or courses in a career center or proprietary real estate school.

1. Before commencing to provide such instruction, the applicant must certify the applicant's competency and obtain an instructor permit by meeting one of the following requirements:

a. Hold a bachelor's degree in a business-related subject, such as real estate, finance, accounting, business administration, or its equivalent and hold a valid broker's license in this state.

b. Hold a bachelor's degree, have extensive real estate experience, as defined by rule, and hold a valid broker's license in this state.

c. Pass an instructor's examination approved by the commission.

2. Any requirement by the commission for a teaching demonstration or practical examination must apply to all school instructor applicants.

3. The department shall renew an instructor permit upon receipt of a renewal application and fee. The renewal application shall include proof that the permitholder has, since the issuance or renewal of the current permit, successfully completed a minimum of 7 classroom or distance learning hours of instruction in real estate subjects or instructional techniques, as prescribed by the commission. The commission shall adopt rules providing for the renewal of instructor permits at least every 2 years. A permit that which is not renewed at the end of the permit period established by the department ~~shall~~ automatically reverts ~~revert~~ to involuntarily inactive status.

The department may require an applicant to submit names of persons having knowledge concerning the applicant and the enterprise; may propound interrogatories to such persons and to the applicant concerning the character of the applicant, including the taking of fingerprints for processing through the Federal Bureau of Investigation; and shall make such investigation of the applicant or the school or institution as it may deem necessary to the granting of the permit. If an objection is filed, it shall be considered in the same manner as objections or administrative complaints against other applicants for licensure by the department.

(9) A real estate school may offer any course through distance learning if the course complies with s. 475.17.

Section 13. Paragraphs (c) and (d) of subsection (1) of section 475.611, Florida Statutes, are amended, present paragraphs (t) through (x) of subsection (1) are redesignated as paragraphs (u) through (y), respectively, and a new paragraph (t) is added to that subsection, to read:

475.611 Definitions.—

(1) As used in this part, the term:

(c) "Appraisal management company" means a person who performs appraisal management services regardless of the use of the term "appraisal management company," "appraiser cooperative," "appraiser portal," "mortgage technology company," or other term.

(d) "Appraisal management services" means the coordination or management of appraisal services for compensation by:

1. Employing, contracting with, or otherwise retaining one or more licensed or certified appraisers to perform appraisal services for a client; or

2. Acting as a broker or intermediary between a client and one or more licensed or certified appraisers to facilitate the client's employing, contracting with, or otherwise retaining the appraisers.

(t) "Subsidiary" means an organization that is owned and controlled by a financial institution that is regulated by a federal financial institution regulatory agency.

Section 14. Subsection (5) of section 475.615, Florida Statutes, is amended to read:

475.615 Qualifications for registration or certification.—

(5) At the time of filing an application for registration or certification, the applicant must sign a pledge indicating that upon becoming registered or certified, she or he will comply with the standards of professional practice established by rule of the board, including standards for the development or communication of a real estate appraisal, to comply with the Uniform Standards of Professional Appraisal Practice upon registration or certification and must indicate in writing that she or he understands the types of misconduct for which disciplinary proceedings may be initiated. The application ~~expires~~ shall expire 1 year after the date received by the department.

Section 15. Subsections (1), (2), and (3) of section 475.617, Florida Statutes, are amended to read:

475.617 Education and experience requirements.—

(1) To be registered as a trainee appraiser, an applicant must present evidence satisfactory to the board that she or he has successfully completed at least 100 hours of approved academic courses in subjects related to real estate appraisal, which must ~~shall~~ include coverage of the Uniform Standards of Professional Appraisal Practice, or its equivalent, as established by rule of the board, from a nationally recognized or state-recognized appraisal organization, career center, accredited community college, college, or university, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to s. 475.451. The board may increase the required number of hours to not more than 125 hours. A classroom hour is defined as 50 minutes out of each 60-minute segment. Past courses may be approved on an hour-for-hour basis.

(2) To be certified as a residential appraiser, an applicant must present satisfactory evidence to the board that she or he has met the minimum education and experience requirements prescribed by rule of the board. The board shall prescribe by rule education and experience requirements that meet or exceed the following real property appraiser qualification criteria adopted on February 20, 2004, by the Appraisal Qualifications Board of the Appraisal Foundation:

(a) Has at least 2,500 hours of experience obtained over a 24-month period in real property appraisal as defined by rule.

(b) Has successfully completed at least 200 classroom hours, inclusive of examination, of approved academic courses in subjects related to real estate appraisal, which must ~~shall~~ include a 15-hour National Uniform Standards of Professional Appraisal Practice course, or its equivalent, as established by rule of the board, from a nationally recognized or state-recognized appraisal organization, career center, accredited community college, college, or university, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to s. 475.451. A classroom hour is defined as 50 minutes out of each 60-minute segment. Past courses may be approved by the board and substituted on an hour-for-hour basis.

(3) To be certified as a general appraiser, an applicant must present evidence satisfactory to the board that she or he has met the minimum education and experience requirements prescribed by rule of the board. The board shall prescribe education and experience requirements that meet or exceed the following real property appraiser qualification criteria adopted on February 20, 2004, by the Appraisal Qualifications Board of the Appraisal Foundation:

(a) Has at least 3,000 hours of experience obtained over a 30-month period in real property appraisal as defined by rule.

(b) Has successfully completed at least 300 classroom hours, inclusive of examination, of approved academic courses in subjects related to real estate appraisal, which must ~~shall~~ include a 15-hour National Uniform Standards of Professional Appraisal Practice course, or its equivalent, as established by rule of the board, from a nationally recognized or state-recognized appraisal organization, career center, accredited community college, college, or university, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to s. 475.451. A classroom hour is defined as 50 minutes out of each 60-minute segment. Past courses may be approved by the board and substituted on an hour-for-hour basis.

Section 16. Subsection (4) of section 475.6171, Florida Statutes, is amended to read:

475.6171 Issuance of registration or certification.—The registration or certification of an applicant may be issued upon receipt by the board of the following:

(4) If required, proof of passing a written examination as specified in s. 475.616. ~~No certification shall be issued based upon any examination results obtained more than 24 months after the date of examination.~~

Section 17. Subsection (1) of section 475.6175, Florida Statutes, is amended to read:

475.6175 Registered trainee appraiser; postlicensure education required.—

(1) The board shall prescribe postlicensure educational requirements in order for a person to maintain a valid registration as a registered trainee

appraiser. If prescribed, the postlicensure educational requirements consist of one or more courses which total no more than the total educational hours required to qualify as a state certified residential appraiser. Such courses must be in subjects related to real estate appraisal and ~~must~~ shall include coverage of the Uniform Standards of Professional Appraisal Practice, or its equivalent, as established by rule of the board. Such courses are provided by a nationally or state-recognized appraisal organization, career center, accredited community college, college, or university, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to s. 475.451.

Section 18. Section 475.6235, Florida Statutes, is amended to read:

475.6235 Registration of appraisal management companies required; exemptions.—

(1) A person may not engage, or offer to engage, in appraisal management services for compensation in this state, advertise or represent herself or himself as an appraisal management company, ~~or use the titles "appraisal management company," "appraiser cooperative," "appraiser portal," or "mortgage technology company," or any abbreviation or words to that effect,~~ unless the person is registered with the department as an appraisal management company under this section. However, an employee of an appraisal management company is not required to obtain a separate registration.

(2) An application for registration must be submitted to the department in the format prescribed by the department and must include, at a minimum, the following:

(a) The firm or business name under which the appraisal management company conducts business in this state. The appraisal management company must notify the department of any change in the firm or business name, on a form provided by the department, within 10 days after such change.

(b) The mailing address, street address, and telephone number of the appraisal management company's principal business location. The appraisal management company must notify the department of any change in the mailing or street address, on a form provided by the department, within 10 days after such change.

(c) The appraisal management company's federal employer identification number.

(d) The appraisal management company's type of business organization, such as a corporation, partnership, limited liability company, or sole proprietorship.

(e) A statement as to whether the appraisal management company, if incorporated, is a domestic or foreign corporation, the company's date of incorporation, the state in which the company was incorporated, its charter number, and, if it is a foreign corporation, the date that the company first registered with the Department of State to conduct business in this state.

(f) The full name, street address, telephone number, corporate title, and social security number or federal employer identification number of any person who possesses the authority, directly or indirectly, to direct the management or policies of the appraisal management company, whether through ownership, by contract, or otherwise, including, but not limited to:

1. Each officer and director if the appraisal management company is a corporation.

2. Each general partner if the appraisal management company is a partnership.

3. Each manager or managing member if the appraisal management company is a limited liability company.

4. The owner if the appraisal management company is a sole proprietorship.

5. Each other person who, directly or indirectly, owns or controls 10 percent or more of an ownership interest in the appraisal management company.

(g) The firm or business name under which any person listed in paragraph (f) conducted business as an appraisal management company within the 5 years preceding the date of the application.

(h) The appraisal management company's registered agent for service of process in this state.

(3) Appropriate fees, as set forth in the rules of the board pursuant to s. 475.6147, and a complete set of fingerprints for each person listed in paragraph (2)(f) must accompany all applications for registration. The

fingerprints shall be forwarded to the Division of Criminal Justice Information Systems within the Department of Law Enforcement for purposes of processing the fingerprints to determine whether the person has a criminal history record. The fingerprints shall also be forwarded to the Federal Bureau of Investigation for purposes of processing the fingerprints to determine whether the person has a criminal history record. The information obtained by the processing of fingerprints by the Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining whether the appraisal management company is statutorily qualified for registration.

(4) At the time of filing an application for registration of an appraisal management company, each person listed in paragraph (2)(f) must sign a pledge to comply with applicable standards of professional practice established by rule of the board, including standards for the development or communication of a real estate appraisal, the Uniform Standards of Professional Appraisal Practice upon registration and must indicate in writing that she or he understands the types of misconduct for which disciplinary proceedings may be initiated. The application ~~expires~~ shall expire 1 year after the date received.

(5) Each person listed in paragraph (2)(f) must be competent and qualified to engage in appraisal management services with safety to the general public and those with whom the person may undertake a relationship of trust and confidence. If any person listed in paragraph (2)(f) has been denied registration, licensure, or certification as an appraiser or has been disbarred, or if the person's registration, license, or certificate to practice or conduct any regulated profession, business, or vocation has been revoked or suspended by this or any other state, any nation, any possession or district of the United States, or any court or lawful agency thereof because of any conduct or practices that would have warranted a like result under this part, or if the person has been guilty of conduct or practices in this state or elsewhere that would have been grounds for disciplining her or his registration, license, or certification under this part had the person then been a registered trainee appraiser or a licensed or certified appraiser, the person shall be deemed not to be qualified unless, because of lapse of time and subsequent good conduct and reputation, or other reason deemed sufficient, it appears to the board that the interest of the public is not likely to be endangered by the granting of registration.

(6) An applicant seeking to become registered under this part as an appraisal management company may not be rejected solely by virtue of membership or lack of membership of any person listed in paragraph (2)(f) or any employee of the company in any particular appraisal organization.

(7) An applicant for registration who is not a resident of the state shall file an irrevocable consent that suits and actions may be commenced against the appraisal management company in any county of the state in which a plaintiff having a cause of action or suit against the company resides and that service of any process or pleading in suits or actions against the company may be made by delivering the process or pleading to the director of the Division of Real Estate by certified mail, return receipt requested, and also to the appraisal management company by registered mail addressed to the company's designated principal business location or, if its principal business location is located in this state, to the company's registered agent. Service, when so made, must be taken and held in all courts to be as valid and binding upon the appraisal management company as if made upon the company in this state within the jurisdiction of the court in which the suit or action is filed. The irrevocable consent must be in a form prescribed by the department and be acknowledged before a notary public.

(8) The department shall renew the registration of an appraisal management company upon receipt of the renewal application and the proper fee. The department shall adopt rules establishing a procedure for renewal of the registration of an appraisal management company at least every 4 years.

(9) This section does not apply to:

(a) A financial institution, as defined in s. 655.005, which owns and operates an internal appraisal office, business unit, or department; or

(b) An appraisal management company that is a subsidiary owned and controlled by a financial institution, as defined in s. 655.005, regulated by a federal financial institution regulatory agency.

Section 19. Subsection (14) of section 475.624, Florida Statutes, is amended to read:

475.624 Discipline of appraisers.—The board may deny an application for registration or certification of an appraiser; may investigate the actions of any appraiser registered, licensed, or certified under this part; may reprimand or impose an administrative fine not to exceed \$5,000 for each count or separate offense against any such appraiser; and may revoke or suspend, for a period not to exceed 10 years, the registration, license, or certification of any such appraiser, or place any such appraiser on probation, if the board finds that the registered trainee, licensee, or certificateholder:

(14) Has violated any standard of professional practice established by rule of the board, including standards for the development or communication of a real estate appraisal or other provision of the Uniform Standards of Professional Appraisal Practice.

Section 20. Paragraph (n) of subsection (1) of section 475.6245, Florida Statutes, is amended to read:

475.6245 Discipline of appraisal management companies.—

(1) The board may deny an application for registration of an appraisal management company; may investigate the actions of any appraisal management company registered under this part; may reprimand or impose an administrative fine not to exceed \$5,000 for each count or separate offense against any such appraisal management company; and may revoke or suspend, for a period not to exceed 10 years, the registration of any such appraisal management company, or place any such appraisal management company on probation, if the board finds that the appraisal management company or any person listed in s. 475.6235(2)(f):

(n) Has instructed an appraiser to violate any standard of professional practice established by rule of the board, including standards for the development or communication of a real estate appraisal or other provision of the Uniform Standards of Professional Appraisal Practice.

Section 21. Paragraphs (b) and (c) of subsection (1) of section 475.626, Florida Statutes, are repealed.

Section 22. Section 475.628, Florida Statutes, is amended to read:

475.628 Professional standards for appraisers registered, licensed, or certified under this part.—The board shall adopt rules establishing standards of professional practice which meet or exceed nationally recognized standards of appraisal practice, including standards adopted by the Appraisal Standards Board of the Appraisal Foundation. Each appraiser registered, licensed, or certified under this part must shall comply with the rules Uniform Standards of Professional Appraisal Practice. Statements on appraisal standards which may be issued for the purpose of clarification, interpretation, explanation, or elaboration through the Appraisal Foundation are shall also be binding on any appraiser registered, licensed, or certified under this part, upon adoption by rule of the board.

Section 23. Paragraph (b) of subsection (1) of section 476.194, Florida Statutes, is repealed.

Section 24. Subsection (2) of section 477.0212, Florida Statutes, is amended to read:

477.0212 Inactive status.—

(2) The board shall adopt promulgate rules relating to licenses that which have become inactive and for the renewal of inactive licenses. The rules may not require more than one renewal cycle of continuing education to reactivate a license. The board shall prescribe by rule a fee not to exceed \$50 for the reactivation of an inactive license and a fee not to exceed \$50 for the renewal of an inactive license.

Section 25. Paragraph (c) of subsection (1) of section 477.0265, Florida Statutes, is repealed.

Section 26. Subsection (1) of section 481.209, Florida Statutes, is amended to read:

481.209 Examinations.—

(1) A person desiring to be licensed as a registered architect by initial examination shall apply to the department, complete to take the licensure examination. The department shall administer the licensure examination for architects to each applicant who the board certifies:

(a) Has completed the application form, and remit remitted a nonrefundable application fee. The department shall license any applicant

who the board certifies; and an examination fee which is refundable if the applicant is found to be ineligible to take the examination;

(a) Has passed the licensure examination prescribed by board rule; and

(b) Is a graduate of a school or college of architecture with a program accredited by the National Architectural Accreditation Board; or

2. Is a graduate of an approved architectural curriculum, evidenced by a degree from an unaccredited school or college of architecture approved by the board. The board shall adopt rules providing for the review and approval of unaccredited schools and colleges of architecture and courses of architectural study based on a review and inspection by the board of the curriculum of accredited schools and colleges of architecture in the United States; and

(c) Has completed, prior to examination, 1 year of the internship experience required by s. 481.211(1).

Section 27. Section 481.211, Florida Statutes, is amended to read:

481.211 Architecture internship required.—

(1) An applicant for licensure as a registered architect shall complete, before prior to licensure, an internship of diversified architectural experience approved by the board, which meets the requirements set forth by rule in the design and construction of structures which have as their principal purpose human habitation or use. The internship shall be for a period of:

(a) Three years for an applicant holding the degree of Bachelor of Architecture; or

(b) Two years for an applicant holding the professional degree of Master of Architecture.

(2) Each applicant for licensure shall complete 1 year of the internship experience required by this section subsequent to graduation from a school or college of architecture as defined in s. 481.209(1).

Section 28. Subsection (3) of section 481.213, Florida Statutes, is amended to read:

481.213 Licensure.—

(3) The board shall certify as qualified for a license by endorsement as an architect or as an interior designer an applicant who:

(a) Qualifies to take the prescribed licensure examination, and has passed the prescribed licensure examination or a substantially equivalent examination in another jurisdiction, as set forth in s. 481.209 for architects or interior designers, as applicable, and has satisfied the internship requirements set forth in s. 481.211 for architects;

(b) Holds a valid license to practice architecture or interior design issued by another jurisdiction of the United States, if the criteria for issuance of such license were substantially equivalent to the licensure criteria that existed in this state at the time the license was issued; provided, however, that an applicant who has been licensed for use of the title "interior design" rather than licensed to practice interior design shall not qualify hereunder; or

(c) Has passed the prescribed licensure examination and holds a valid certificate issued by the National Council of Architectural Registration Boards, and holds a valid license to practice architecture issued by another state or jurisdiction of the United States. An applicant who has passed the prescribed licensure examination and holds a valid license to practice architecture issued by another state, but who does not hold a certificate, may be licensed if he or she:

1. Holds a minimum 4-year degree;

2. Has maintained an architect license in good standing for a minimum of 10 years;

3. Has been a continuous resident of this state for a minimum of 10 years; and

4. Presents evidence of satisfactory completion of the continuing education requirements for renewal of an architect license for the biennium ending February, 2013. This exception to the requirement that an applicant hold a valid certificate issued by the National Council of Architectural Registration Boards expires March 1, 2013. For the purposes of this paragraph, any applicant licensed in another state or jurisdiction after June 30, 1984, must also hold a degree in architecture and such degree must be equivalent to that required in s. 481.209(1)(b). Also for the purposes of this paragraph, any applicant licensed in another state or jurisdiction after June 30, 1985, must have completed an internship equivalent to that required by s. 481.211 and any rules adopted with respect thereto.

Section 29. Section 481.217, Florida Statutes, is amended to read:

481.217 Inactive status.—

(1) The board may prescribe by rule continuing education requirements as a condition of reactivating a license. ~~The rules may not require more than one renewal cycle of continuing education to reactivate requirements for reactivating a license for a registered architect or interior designer may not exceed 12 contact hours for each year the license was inactive. For interior design, The minimum continuing education requirement for reactivating a license for a registered interior designer shall be those of the most recent biennium plus one half of the requirements in s. 481.215 for each year or part thereof during which the license was inactive.~~ the board ~~may~~ shall only approve only continuing education that builds upon the basic knowledge of interior design.

(2) The board shall adopt rules relating to application procedures for inactive status and for the reactivation of inactive licenses.

Section 30. Section 481.315, Florida Statutes, is amended to read:

481.315 Inactive status.—

(1) A license that has become inactive or delinquent may be reactivated under this section upon application to the department and payment of any applicable biennial renewal or delinquency fee, or both, and a reactivation fee. ~~The board may not require a licensee to complete more than one renewal cycle of continuing education requirements. The board may prescribe by rule continuing education requirements as a condition of reactivating the license. The continuing education requirements for reactivating a license may not exceed 12 classroom hours for each year the license was inactive.~~

(2) The board shall adopt rules relating to application procedures for inactive status and for the reactivation of inactive licenses.

Section 31. Subsections (3) and (6) of section 489.116, Florida Statutes, are amended to read:

489.116 Inactive and delinquent status; renewal and cancellation notices.—

(3) An inactive status certificateholder or registrant may change to active status at any time, if provided the certificateholder or registrant meets all requirements for active status, pays any additional licensure fees necessary to equal those imposed on an active status certificateholder or registrant, ~~and~~ pays any applicable late fees, and meets all continuing education requirements prescribed by the board.

(6) ~~The board may not require an inactive certificateholder or registrant to complete more than one renewal cycle of shall comply with the same continuing education for reactivating a certificate or registration requirements, if any, that are imposed on an active status certificateholder or registrant.~~

Section 32. Subsection (1) of section 489.519, Florida Statutes, is amended to read:

489.519 Inactive status.—

(1) A certificate or registration that ~~becomes~~ has become inactive may be reactivated under s. 489.517 upon application to the department. The board may not require a licensee to complete more than one renewal cycle of prescribe, by rule, continuing education to reactivate requirements as a condition of reactivating a certificate or registration. The continuing education requirements for reactivating a certificate or registration may not exceed 12 classroom hours for each year the certificate or registration was inactive.

Section 33. Subsections (17), (19), (20), and (43), and paragraph (a) of subsection (54) of section 499.003, Florida Statutes, are amended to read:

499.003 Definitions of terms used in this part.—As used in this part, the term:

(17) "Distribute" or "distribution" means to sell; offer to sell; give away; transfer, whether by passage of title, physical movement, or both; deliver; or offer to deliver. The term does not mean to administer or dispense and does not include the billing and invoicing activities that commonly follow a wholesale distribution transaction.

(19) "Drug" means an article that is:

(a) Recognized in the current edition of the United States Pharmacopoeia and National Formulary, official Homeopathic Pharmacopoeia of the United States, or any supplement to any of those publications;

(b) Intended for use in the diagnosis, cure, mitigation, treatment, therapy, or prevention of disease in humans or other animals;

(c) Intended to affect the structure or any function of the body of humans or other animals; or

(d) Intended for use as a component of any article specified in paragraph (a), paragraph (b), or paragraph (c), and includes active pharmaceutical ingredients, but does not include devices or their nondrug components, parts, or accessories. For purposes of this paragraph, an "active pharmaceutical ingredient" includes any substance or mixture of substances intended, represented, or labeled for use in drug manufacturing that furnishes or is intended to furnish, in a finished dosage form, any pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, therapy, or prevention of disease in humans or other animals, or to affect the structure or any function of the body of humans or other animals.

(20) "Establishment" means a place of business which is at one general physical location and may extend to one or more contiguous suites, units, floors, or buildings operated and controlled exclusively by entities under common operation and control. Where multiple buildings are under common exclusive ownership, operation, and control, an intervening thoroughfare does not affect the contiguous nature of the buildings. For purposes of permitting, each suite, unit, floor, or building must be identified in the most recent permit application.

(43) "Prescription drug" means a prescription, medicinal, or legend drug, including, but not limited to, finished dosage forms or active pharmaceutical ingredients subject to, defined by, or described by s. 503(b) of the Federal Food, Drug, and Cosmetic Act or s. 465.003(8), s. 499.007(13), or subsection (11), subsection (46), or subsection (53), except that an active pharmaceutical ingredient is a prescription drug only if substantially all finished dosage forms in which it may be lawfully dispensed or administered in this state are also prescription drugs.

(54) "Wholesale distribution" means distribution of prescription drugs to persons other than a consumer or patient, but does not include:

(a) Any of the following activities, which is not a violation of s. 499.005(21) if such activity is conducted in accordance with s. 499.01(2)(g):

1. The purchase or other acquisition by a hospital or other health care entity that is a member of a group purchasing organization of a prescription drug for its own use from the group purchasing organization or from other hospitals or health care entities that are members of that organization.

2. The sale, purchase, or trade of a prescription drug or an offer to sell, purchase, or trade a prescription drug by a charitable organization described in s. 501(c)(3) of the Internal Revenue Code of 1986, as amended and revised, to a nonprofit affiliate of the organization to the extent otherwise permitted by law.

3. The sale, purchase, or trade of a prescription drug or an offer to sell, purchase, or trade a prescription drug among hospitals or other health care entities that are under common control. For purposes of this subparagraph, "common control" means the power to direct or cause the direction of the management and policies of a person or an organization, whether by ownership of stock, by voting rights, by contract, or otherwise.

4. The sale, purchase, trade, or other transfer of a prescription drug from or for any federal, state, or local government agency or any entity eligible to purchase prescription drugs at public health services prices pursuant to Pub. L. No. 102-585, s. 602 to a contract provider or its subcontractor for eligible patients of the agency or entity under the following conditions:

a. The agency or entity must obtain written authorization for the sale, purchase, trade, or other transfer of a prescription drug under this subparagraph from the State Surgeon General or his or her designee.

b. The contract provider or subcontractor must be authorized by law to administer or dispense prescription drugs.

c. In the case of a subcontractor, the agency or entity must be a party to and execute the subcontract.

~~d. A contract provider or subcontractor must maintain separate and apart from other prescription drug inventory any prescription drugs of the agency or entity in its possession.~~

~~d.e.~~ The contract provider and subcontractor must maintain and produce immediately for inspection all records of movement or transfer of all the prescription drugs belonging to the agency or entity, including, but not limited to, the records of receipt and disposition of prescription drugs. Each contractor and subcontractor dispensing or administering these drugs must

maintain and produce records documenting the dispensing or administration. Records that are required to be maintained include, but are not limited to, a perpetual inventory itemizing drugs received and drugs dispensed by prescription number or administered by patient identifier, which must be submitted to the agency or entity quarterly.

~~e.f.~~ The contract provider or subcontractor may administer or dispense the prescription drugs only to the eligible patients of the agency or entity or must return the prescription drugs for or to the agency or entity. The contract provider or subcontractor must require proof from each person seeking to fill a prescription or obtain treatment that the person is an eligible patient of the agency or entity and must, at a minimum, maintain a copy of this proof as part of the records of the contractor or subcontractor required under ~~sub-subparagraph d~~ ~~sub-subparagraph e~~.

~~f.g.~~ In addition to the departmental inspection authority set forth in s. 499.051, the establishment of the contract provider and subcontractor and all records pertaining to prescription drugs subject to this subparagraph shall be subject to inspection by the agency or entity. All records relating to prescription drugs of a manufacturer under this subparagraph shall be subject to audit by the manufacturer of those drugs, without identifying individual patient information.

Section 34. Paragraphs (c) and (e) of subsection (2) of section 499.01, Florida Statutes, are amended, and subsections (3), (4), and (5) are added to that section, to read:

499.01 Permits.—

(2) The following permits are established:

(c) *Nonresident prescription drug manufacturer permit.*—A nonresident prescription drug manufacturer permit is required for any person that is a manufacturer of prescription drugs, unless permitted as a third party logistics provider, located outside of this state or outside the United States and that engages in the wholesale distribution in this state of such prescription drugs. Each such manufacturer must be permitted by the department and comply with all of the provisions required of a wholesale distributor under this part, except s. 499.01212.

1. A person that distributes prescription drugs for which the person is not the manufacturer must also obtain an out-of-state prescription drug wholesale distributor permit or third party logistics provider permit pursuant to this section to engage in the wholesale distribution of such prescription drugs. This subparagraph does not apply to a manufacturer as defined in s. 499.003(31)(e).

2. Any such person must comply with the licensing or permitting requirements of the jurisdiction in which the establishment is located and the federal act, and any product wholesaled into this state must comply with this part. If a person intends to import prescription drugs from a foreign country into this state, the nonresident prescription drug manufacturer must provide to the department a list identifying each prescription drug it intends to import and document approval by the United States Food and Drug Administration for such importation.

~~3. A nonresident prescription drug manufacturer permit is not required for a manufacturer to distribute a prescription drug active pharmaceutical ingredient that it manufactures to a prescription drug manufacturer permitted in this state in limited quantities intended for research and development and not for resale, or human use other than lawful clinical trials and biostudies authorized and regulated by federal law. A manufacturer claiming to be exempt from the permit requirements of this subparagraph and the prescription drug manufacturer purchasing and receiving the active pharmaceutical ingredient shall comply with the recordkeeping requirements of s. 499.0121(6), but not the requirements of s. 499.01212. The prescription drug manufacturer purchasing and receiving the active pharmaceutical ingredient shall maintain on file a record of the FDA registration number; the out-of-state license, permit, or registration number; and, if available, a copy of the most current FDA inspection report, for all manufacturers from whom they purchase active pharmaceutical ingredients under this section. The department shall specify by rule the allowable number of transactions within a given period of time and the amount of active pharmaceutical ingredients that qualify as limited quantities for purposes of this exemption. The failure to comply with the requirements of this subparagraph, or rules adopted by the~~

~~department to administer this subparagraph, for the purchase of prescription drug active pharmaceutical ingredients is a violation of s. 499.005(14).~~

(e) *Out-of-state prescription drug wholesale distributor permit.*—An out-of-state prescription drug wholesale distributor is a wholesale distributor located outside this state which engages in the wholesale distribution of prescription drugs into this state and which must be permitted by the department and comply with all the provisions required of a wholesale distributor under this part. An out-of-state prescription drug wholesale distributor that applies to the department for a new permit or the renewal of a permit must submit a bond of \$100,000, or other equivalent means of security acceptable to the department, such as an irrevocable letter of credit or a deposit in a trust account or financial institution, payable to the Florida Drug, Device, and Cosmetic Trust Fund. The purpose of the bond is to secure payment of any administrative penalties imposed by the department and any fees and costs incurred by the department regarding that permit which are authorized under state law and which the permittee fails to pay 30 days after the fine or costs become final. The department may make a claim against such bond or security until 1 year after the permittee's license ceases to be valid or until 60 days after any administrative or legal proceeding authorized in this part which involves the permittee is concluded, including any appeal, whichever occurs later.

4. The out-of-state prescription drug wholesale distributor must maintain at all times a license or permit to engage in the wholesale distribution of prescription drugs in compliance with laws of the state in which it is a resident.

~~2. An out-of-state prescription drug wholesale distributor permit is not required for an intracompany sale or transfer of a prescription drug from an out-of-state establishment that is duly licensed as a prescription drug wholesale distributor, in its state of residence, to a licensed prescription drug wholesale distributor in this state, if both wholesale distributors conduct wholesale distributions of prescription drugs under the same business name. The recordkeeping requirements of ss. 499.0121(6) and 499.01212 must be followed for this transaction.~~

(3) A nonresident prescription drug manufacturer permit is not required for a manufacturer to distribute a prescription drug active pharmaceutical ingredient that it manufactures to a prescription drug manufacturer permitted in this state in limited quantities intended for research and development and not for resale or human use other than lawful clinical trials and biostudies authorized and regulated by federal law. A manufacturer claiming to be exempt from the permit requirements of this paragraph and the prescription drug manufacturer purchasing and receiving the active pharmaceutical ingredient shall comply with the recordkeeping requirements of s. 499.0121(6), but not the requirements of s. 499.01212. The prescription drug manufacturer purchasing and receiving the active pharmaceutical ingredient shall maintain on file a record of the FDA registration number; if available, the out-of-state license, permit, or registration number; and, if available, a copy of the most current FDA inspection report, for all manufacturers from whom they purchase active pharmaceutical ingredients under this section. The department shall define the term "limited quantities" by rule, and may include the allowable number of transactions within a given period of time and the amount of prescription drugs distributed into the state for purposes of this exemption. The failure to comply with the requirements of this paragraph, or rules adopted by the department to administer this paragraph, for the purchase of prescription drug active pharmaceutical ingredients is a violation of s. 499.005(14), and a knowing failure is a violation of s. 499.0051(4).

(4)(a) A permit issued under this part is not required to distribute a prescription drug active pharmaceutical ingredient from an establishment located in the United States to an establishment located in this state permitted as a prescription drug manufacturer under this part for use by the recipient in preparing, deriving, processing, producing, or fabricating a prescription drug finished dosage form at the establishment in this state where the product is received under an approved and otherwise valid New Drug Approval Application, Abbreviated New Drug Application, New Animal Drug Application, or Therapeutic Biologic Application, provided that the application, active pharmaceutical ingredient, or finished dosage form has not been withdrawn or removed from the market in this country for public health reasons.

1. Any distributor claiming exemption from permitting requirements pursuant to this paragraph shall maintain a license, permit, or registration to

engage in the wholesale distribution of prescription drugs under the laws of the state from which the product is distributed.

2. Any distributor claiming exemption from permitting requirements pursuant to this paragraph and the prescription drug manufacturer purchasing and receiving the active pharmaceutical ingredient shall comply with the recordkeeping requirements of s. 499.0121(6), but not the requirements of s. 499.01212.

(b) A permit issued under this part is not required to distribute limited quantities of a prescription drug that has not been repackaged from an establishment located in the United States to an establishment located in this state permitted as a prescription drug manufacturer under this part for research and development or to a holder of a letter of exemption issued by the department under s. 499.03(4) for research, teaching, or testing. The department shall define "limited quantities" by rule and may include the allowable number of transactions within a given period of time and the amounts of prescription drugs distributed into the state for purposes of this exemption.

1. Any distributor claiming exemption from permitting requirements pursuant to this paragraph shall maintain a license, permit, or registration to engage in the wholesale distribution of prescription drugs under the laws of the state from which the product is distributed.

2. All purchasers and recipients of any prescription drugs distributed pursuant to this paragraph shall ensure that the products are not resold or used, directly or indirectly, on humans except in lawful clinical trials and biostudies authorized and regulated by federal law.

3. Any distributor claiming exemption from permitting requirements pursuant to this paragraph, and the purchaser and recipient of the prescription drug, shall comply with the recordkeeping requirements of s. 499.0121(6), but not the requirements of s. 499.01212.

4. The immediate package or container of any active pharmaceutical ingredient distributed into the state that is intended for teaching, testing, research, and development shall bear a label prominently displaying the statement: "Caution: Research, Teaching, or Testing Only – Not for Manufacturing, Compounding, or Resale."

(c) An out-of-state prescription drug wholesale distributor permit is not required for an intracompany sale or transfer of a prescription drug from an out-of-state establishment that is duly licensed as a prescription drug wholesale distributor in its state of residence to a licensed prescription drug wholesale distributor in this state, if both wholesale distributors conduct wholesale distributions of prescription drugs under the same business name. The recordkeeping requirements of ss. 499.0121(6) and 499.01212 must be followed for such transactions.

(d) Persons receiving prescription drugs from a source claimed to be exempt from permitting requirements under this subsection shall maintain on file:

1. A record of the FDA establishment registration number, if any;
2. The resident state prescription drug wholesale distribution license, permit, or registration number; and

3. A copy of the most recent resident state or FDA inspection report, for all distributors and establishments whom they purchase or receive prescription drugs under this subsection.

(e) All persons claiming exemption from permitting requirements pursuant to this subsection who engage in the distribution of prescription drugs within or into the state are subject to this part, including ss. 499.005 and 499.0051, and shall make available, within 48 hours, to the department on request all records related to any prescription drugs distributed under this subsection, including those records described in s. 499.051(4), regardless of the location where the records are stored.

(f) A person purchasing and receiving a prescription drug from a person claimed to be exempt from licensing requirements pursuant to this subsection shall report to the department in writing within 14 days after receiving any product that is misbranded or adulterated or that fails to meet minimum standards set forth in the official compendium or state or federal good manufacturing practices for identity, purity, potency, or sterility, regardless of whether the product is thereafter rehabilitated, quarantined, returned, or destroyed.

(g) The department may adopt rules to administer this subsection which are necessary for the protection of the public health, safety, and welfare. Failure to comply with the requirements of this subsection, or rules adopted by the department to administer this subsection, is a violation of s. 499.005(14), and a knowing failure is a violation of s. 499.0051(4).

(h) This subsection does not relieve any person from any requirement prescribed by law with respect to controlled substances as defined in the applicable federal and state laws.

(5) A prescription drug repackager permit issued under this part is not required for a restricted prescription drug distributor permit holder that is a health care entity to repackage prescription drugs in this state for its own use or for distribution to hospitals or other health care entities in the state for their own use, pursuant to s. 499.003(54)(a)3., if:

(a) The prescription drug distributor notifies the department, in writing, of its intention to engage in repackaging under this exemption, 30 days before engaging in the repackaging of prescription drugs at the permitted establishment;

(b) The prescription drug distributor is under common control with the hospitals or other health care entities to which the prescription drug distributor is distributing prescription drugs. As used in this paragraph, "common control" means the power to direct or cause the direction of the management and policies of a person or an organization, whether by ownership of stock, voting rights, contract, or otherwise;

(c) The prescription drug distributor repackages the prescription drugs in accordance with current state and federal good manufacturing practices; and

(d) The prescription drug distributor labels the prescription drug it repackages in accordance with state and federal laws and rules.

The prescription drug distributor is exempt from the product registration requirements of s. 499.015, with regard to the prescription drugs that it repackages and distributes under this subsection.

Section 35. Section 565.07, Florida Statutes, is amended to read:

565.07 Sale or consumption of certain distilled spirits prohibited.—A No distilled spirit greater than 153 proof may not ~~shall~~ be sold, ~~processed~~, or consumed in the state. However, a distilled spirit greater than 153 proof may be distilled, bottled, packaged, or processed for export or sale outside the state.

Section 36. Section 718.707, Florida Statutes, is amended to read:

718.707 Time limitation for classification as bulk assignee or bulk buyer.—A person acquiring condominium parcels may not be classified as a bulk assignee or bulk buyer unless the condominium parcels were acquired on or after July 1, 2010, but before July 1, 2015 ~~2012~~. The date of such acquisition shall be determined by the date of recording a deed or other instrument of conveyance for such parcels in the public records of the county in which the condominium is located, or by the date of issuing a certificate of title in a foreclosure proceeding with respect to such condominium parcels.

Section 37. This act shall take effect July 1, 2012.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to reducing and streamlining regulations; amending s. 373.461, F.S.; requiring certain appraisers to follow specific standards of professional practice in appraisals involving the restoration of the Lake Apopka Basin; amending s. 455.213, F.S.; waiving initial licensing, application, and unlicensed activity fees for certain military veterans; amending ss. 455.271, 468.4338, 468.8317, 468.8417, 475.615, 475.617, 475.6175, 477.0212, 481.209, 481.211, 481.213, 481.217, 481.315, 489.116, and 489.519, F.S.; revising certain licensure requirements and continuing education requirements for reactivating a license, certificate, or registration to practice certain professions and occupations regulated by the Department of Business and Professional Regulation or a board or council within the department, including community association management, employee leasing, home inspection, mold-related services, real estate appraisal, cosmetology, architecture and interior design, landscape architecture, construction contracting, and electrical and alarm system contracting; amending s.

469.002, F.S.; providing an exemption from licensure as an asbestos consultant or contractor for activities involving pipe or conduit used for gas service; repealing s. 475.42(1)(e), F.S., relating to violations and penalties applicable to real estate brokers and sales associates; amending ss. 468.391, 475.25, 475.624, and 475.6245, F.S., relating to auctioneering and to real estate brokering and appraisal; revising provisions with respect to certain penalties; revising grounds for discipline to which penalties apply; repealing s. 475.626(1)(b) and (c), F.S., relating to violations and penalties applicable to real property appraisers; amending s. 475.628, F.S.; requiring the Florida Real Estate Appraisal Board to adopt rules establishing professional practice standards; amending s. 468.841, F.S.; exempting landscape architects from complying with provisions related to mold assessment; amending s. 475.611, F.S.; revising the definitions of the terms "appraisal management company" and "appraisal management services"; defining the term "subsidiary"; amending s. 475.6171, F.S.; revising requirements for the issuance of registration or certification upon receipt of proper documentation; amending s. 475.6235, F.S.; prohibiting a person from offering to engage in appraisal management services under certain circumstances; revising provisions relating to the application for registration of an appraisal management company; providing exemptions from registration requirements; repealing s. 476.194(1)(b), F.S., relating to prohibited acts by persons engaged in the practice of barbering; repealing s. 477.0265(1)(c), F.S., relating to prohibited acts by persons engaged in the practice of cosmetology; amending s. 475.451, F.S.; authorizing distance learning courses as an acceptable alternative to classroom instruction for renewal of a real estate instructor permit; providing that distance learning courses are under the discretion of the school offering the real estate course; requiring distance learning courses to adhere to certain requirements; amending s. 499.003, F.S.; revising the definitions of the terms "distribute" or "distribution," "drug," "establishment," "prescription drug," and "wholesale distribution"; amending s. 499.01, F.S.; deleting provisions relating to an exemption from nonresident prescription drug manufacturer permit requirements; deleting provisions relating to an exemption from out-of-state prescription drug wholesale distributor permit requirements for intracompany sale or transfer of prescription drugs; providing an exemption from permit requirements for the distribution into this state of prescription drug active pharmaceutical ingredients intended for research and development; requiring compliance with certain recordkeeping requirements; providing for a definition; providing for penalties; providing an exemption from permit requirements for the distribution into this state of prescription drug active pharmaceutical ingredients for incorporation into prescription drugs in finished dosage form; requiring a distributor claiming such exemption to maintain a valid license, permit, or registration in the state from which the prescription drug was distributed; requiring compliance with certain recordkeeping requirements; exempting compliance with pedigree paper requirements; providing an exemption from permit requirements for distribution into this state of limited quantities of a prescription drug that has not been repackaged, for research and development or to a holder of a letter of exemption issued by the Department of Business and Professional Regulation for research, teaching, or testing; granting the department authority to define "limited quantities" by rule and limit therein the number of transactions and amount of prescription drugs distributed into the state; requiring a distributor claiming such exemption to maintain a valid license, permit, or registration in the state from which the prescription drug was distributed; requiring all purchasers and recipients of such prescription drugs to ensure the products are not resold or used on humans except in lawful clinical trials and biostudies; requiring compliance with certain recordkeeping requirements; exempting compliance from pedigree paper requirements; providing labeling requirements for active pharmaceutical ingredients distributed within the state for teaching, testing, research, and development; exempting from out-of-state prescription drug wholesale distributor permit requirements intracompany transactions or the sale of prescription drugs from an out-of-state distributor to a distributor in this state if both distributors conduct wholesale distributions under the same business name; requiring compliance with recordkeeping and pedigree paper requirements; allowing distributors and recipients of prescription drugs claiming exemption from certain permitting requirements to maintain on file their FDA registration number, resident state distributor license or permit number, and most recent resident state or FDA inspection

report; providing that persons claiming such exemptions are subject to part I of ch. 499, F.S., the Florida Drug and Cosmetic Act; requiring persons claiming such exemptions to make all records regarding prescription drug distribution available to the department, upon request, within 48 hours; requiring submission of a report of mishandled or adulterated prescription drugs within 14 days after receipt of such drugs; authorizing the department to adopt rules; providing that failure to comply with requirements or rules governing such exemptions constitutes unlawful purchase or receipt of a prescription drug from a person not authorized to distribute prescription drugs to that purchaser or recipient; providing that knowing failure to comply with such requirements constitutes unlawful sale, distribution, purchase, trade, holding, or offering of a drug; providing penalties; providing construction with respect to federal and state laws relating to controlled substances; exempting certain prescription drug repackagers from permit requirements if they repackaged prescription drugs for their own use or for certain related entities; providing notification requirements; exempting such repackagers from product registration requirements; amending s. 565.07, F.S.; allowing certain high-proof distilled spirits to be distilled, bottled, packaged, or processed for export or sale outside this state; amending s. 718.707, F.S.; extending the time period within which persons who acquire condominium parcels may be classified as bulk assignees or bulk buyers; providing an effective date.

On motion by Rep. Grant, the House concurred in **Senate Amendment 1**.

The question recurred on the passage of **CS/HB 517**. The vote was:

Session Vote Sequence: 1157

Speaker Cannon in the Chair.

Yeas—88

Abruzzo	Diaz	Ingram	Plakon
Adkins	Dorworth	Julien	Porter
Ahern	Drake	Kiar	Porth
Albritton	Eisnaugle	Kreegel	Precourt
Artiles	Ford	Legg	Proctor
Aubuchon	Fresen	Logan	Ray
Baxley	Frishe	Lopez-Canera	Rehwinkel Vasilinda
Bernard	Fullwood	Mayfield	Renuart
Bileca	Gaetz	McBurney	Roberson, K.
Boyd	Glorioso	McKeel	Rooney
Brandes	Gonzalez	Metz	Schenck
Brodeur	Goodson	Moraitis	Smith
Broxson	Grant	Nehr	Snyder
Burgin	Grimsley	Nelson	Stargel
Caldwell	Hager	Nuñez	Steube
Cannon	Harrell	O'Toole	Tobia
Chestnut	Harrison	Oliva	Trujillo
Coley	Holder	Passidomo	Weatherford
Corcoran	Hooper	Patronis	Weinstein
Costello	Horner	Perman	Williams, T.
Crisafulli	Hudson	Perry	Workman
Davis	Hukill	Pilon	Young

Nays—29

Bembry	Gibbons	Sands	Van Zant
Berman	Jenne	Schwartz	Waldman
Bullard	Jones	Slosberg	Watson
Campbell	Kriseman	Soto	Williams, A.
Clarke-Reed	Pafford	Stafford	Wood
Clemens	Randolph	Taylor	
Cruz	Reed	Thompson, G.	
Garcia	Rogers	Thurston	

Votes after roll call:

Yeas—Rouson

Nays—Saunders

Nays to Yeas—Williams, A.

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7093, with 1 amendment, and requests the concurrence of the House.

Debbie Brown, Secretary

HB 7093—A bill to be entitled An act relating to domestic violence; amending s. 39.903, F.S.; revising provisions relating to certification of domestic violence centers; providing specified additional duties for and authority of the Florida Coalition Against Domestic Violence; revising the duties of the Department of Children and Family Services; requiring the department to contract with the coalition for specified purposes; amending s. 39.904, F.S.; requiring the coalition rather than the department to provide a specified annual report; providing for department approval of the report; revising the contents of the report; amending s. 39.905, F.S.; requiring the coalition rather than the department to perform certain duties relating to certification of domestic violence centers; revising provisions relating to certification of domestic violence centers; revising the demonstration of need for certification of a new domestic violence center; revising provisions relating to expiration of a domestic violence center's annual certificate; conforming provisions to changes made by the act; amending ss. 381.006, 381.0072, 741.281, 741.2902, 741.30, and 741.316, F.S.; conforming provisions to changes made by the act; amending s. 741.32, F.S.; deleting a provision establishing the Office for Certification and Monitoring of Batterers' Intervention Programs; amending s. 741.325, F.S.; revising the guidelines for batterers' intervention programs; repealing s. 741.327, F.S., relating to certification and monitoring of batterers' intervention programs; amending ss. 938.01 and 948.038, F.S.; conforming provisions to changes made by the act; providing an effective date.

(Amendment Bar Code: 167528)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Present subsections (1), (2), and (3) of section 39.902, Florida Statutes, are redesignated as subsections (2), (3), and (4), respectively, and a new subsection (1) is added to that section, to read:

39.902 Definitions.—As used in this part, the term:

(1) "Coalition" means the Florida Coalition Against Domestic Violence.

Section 2. Section 39.903, Florida Statutes, is amended to read:

39.903 Duties and functions of the department with respect to domestic violence.—The department shall:

(1) Operate the domestic violence program and, in collaboration with the coalition, shall coordinate and administer statewide activities related to the prevention of domestic violence. The department shall:

(a) Develop by rule criteria for the approval or rejection of certification or funding of domestic violence centers.

(b) Develop by rule minimum standards for domestic violence centers to ensure the health and safety of the clients in the centers.

(2)(e) Receive and approve or reject applications for initial certification of domestic violence centers. The department shall annually renew the certification thereafter upon receipt of a favorable monitoring report by the coalition. If any of the required services are exempted from certification by the department under s. 39.905(1)(e), the center shall not receive funding for those services.

(3)(d) Have Evaluate each certified domestic violence center annually to ensure compliance with the minimum standards. The department has the right to enter and inspect the premises of domestic violence centers that are applying for an initial certification or facing potential suspension or revocation of certification. certified domestic violence centers at any reasonable hour in order to effectively evaluate the state of compliance with minimum standards of these centers with this part and rules relating to this part.

(e) ~~Adopt rules to implement this part.~~

(4)(f) Promote the involvement of certified domestic violence centers in the coordination, development, and planning of domestic violence programming in the circuits districts and the state.

(2) ~~The department shall serve as a clearinghouse for information relating to domestic violence.~~

(3) ~~The department shall operate the domestic violence program, which provides supervision, direction, coordination, and administration of statewide activities related to the prevention of domestic violence.~~

(5)(4) Coordinate with state agencies that have health, education, or criminal justice responsibilities to raise awareness of domestic violence and promote consistent policy implementation. The department shall enlist the assistance of public and voluntary health, education, welfare, and rehabilitation agencies in a concerted effort to prevent domestic violence and to treat persons engaged in or subject to domestic violence. With the assistance of these agencies, the department, within existing resources, shall formulate and conduct a research and evaluation program on domestic violence. Efforts on the part of these agencies to obtain relevant grants to fund this research and evaluation program must be supported by the department.

(5) ~~The department shall develop and provide educational programs on domestic violence for the benefit of the general public, persons engaged in or subject to domestic violence, professional persons, or others who care for or may be engaged in the care and treatment of persons engaged in or subject to domestic violence.~~

(6) ~~The department shall~~ Cooperate with, assist in, and participate in, programs of other properly qualified state agencies, including any agency of the Federal Government, schools of medicine, hospitals, and clinics, in planning and conducting research on the prevention of domestic violence and the provision of services to clients, care, treatment, and rehabilitation of persons engaged in or subject to domestic violence.

(7) ~~The department shall~~ Contract with the coalition for the delivery and management of services for the state's domestic violence program. Services under this contract include, but are not limited to, the administration of contracts and grants, a statewide association whose primary purpose is to represent and provide technical assistance to certified domestic violence centers. This association shall implement, administer, and evaluate all services provided by the certified domestic violence centers. The association shall receive and approve or reject applications for funding of certified domestic violence centers. When approving funding for a newly certified domestic violence center, the association shall make every effort to minimize any adverse economic impact on existing certified domestic violence centers or services provided within the same service area. In order to minimize duplication of services, the association shall make every effort to encourage subcontracting relationships with existing certified domestic violence centers within the same service area. In distributing funds allocated by the Legislature for certified domestic violence centers, the association shall use a formula approved by the department as specified in s. 39.905(7)(a).

(8) Consider applications from certified domestic violence centers for capital improvement grants and award those grants pursuant to s. 39.9055.

(9) Adopt by rule procedures to administer this section, including developing criteria for the approval, suspension, or rejection of certification of domestic violence centers and developing minimum standards for domestic violence centers to ensure the health and safety of the clients in the centers.

Section 3. Section 39.9035, Florida Statutes, is created to read:

39.9035 Duties and functions of the coalition with respect to domestic violence.—As part of its delivery and management of the delivery of services for the state's domestic violence program, the coalition shall:

(1) Implement, administer, and evaluate all domestic violence services provided by the certified domestic violence centers.

(2) Receive and approve or reject applications for funding of certified domestic violence centers. When approving funding for a newly certified domestic violence center, the coalition shall make every effort to minimize any adverse economic impact on existing certified domestic violence centers or services provided within the same service area. In order to minimize duplication of services, the coalition shall make every effort to encourage subcontracting relationships with existing certified domestic violence centers

within the same service area. In distributing funds allocated by the Legislature for certified domestic violence centers, the coalition shall use a formula approved by the department as specified in s. 39.905(7)(a).

(3) Evaluate certified domestic violence centers in order to determine compliance with minimum certification standards.

(4) Have the right to enter and inspect the premises of certified domestic violence centers for monitoring purposes.

Section 4. Section 39.904, Florida Statutes, is amended to read:

39.904 Report to the Legislature on the status of domestic violence cases.—On or before January 1 of each year, the coalition ~~department~~ shall furnish to the President of the Senate and the Speaker of the House of Representatives a report on the status of domestic violence in this state, which must report ~~shall~~ include, but need is not be limited to, the following:

(1) The incidence of domestic violence in this state.

(2) An identification of the areas of the state where domestic violence is of significant proportions, indicating the number of cases of domestic violence officially reported, as well as an assessment of the degree of unreported cases of domestic violence.

(3) An identification and description of the types of programs in the state which ~~that~~ assist victims of domestic violence or persons who commit domestic violence, including information on funding for the programs.

(4) The number of persons who receive services from ~~are treated by or assisted by~~ local certified domestic violence programs that receive funding through the coalition ~~department~~.

(5) The incidence of domestic violence homicides in the state, including information and data collected from state and local domestic violence fatality review teams. A statement on the effectiveness of such programs in preventing future domestic violence.

(6) An inventory and evaluation of existing prevention programs.

(7) A listing of potential prevention efforts identified by the department; the estimated annual cost of providing such prevention services, both for a single client and for the anticipated target population as a whole; an identification of potential sources of funding; and the projected benefits of providing such services.

Section 5. Paragraphs (c), (g), and (i) of subsection (1), subsections (2), (3), and (5), paragraph (a) of subsection (6), and paragraph (b) of subsection (7) of section 39.905, Florida Statutes, are amended, and subsection (8) is added to that section, to read:

39.905 Domestic violence centers.—

(1) Domestic violence centers certified under this part must:

(c) Provide minimum services that ~~which~~ include, but are not limited to, information and referral services, counseling and case management services, temporary emergency shelter for more than 24 hours, a 24-hour hotline, training for law enforcement personnel, assessment and appropriate referral of resident children, and educational services for community awareness relative to the incidence of domestic violence, the prevention of such violence, and the services available ~~care, treatment, and rehabilitation~~ for persons engaged in or subject to domestic violence. If a 24-hour hotline, professional training, or community education is already provided by a certified domestic violence center within its designated service area ~~a district~~, the department may exempt such certification requirements for a new center serving the same service area ~~district~~ in order to avoid duplication of services.

(g) File with the coalition ~~department~~ a list of the names of the domestic violence advocates who are employed or who volunteer at the domestic violence center who may claim a privilege under s. 90.5036 to refuse to disclose a confidential communication between a victim of domestic violence and the advocate regarding the domestic violence inflicted upon the victim. The list must include the title of the position held by the advocate whose name is listed and a description of the duties of that position. A domestic violence center must file amendments to this list as necessary.

(i) If its center is a new center applying for certification, demonstrate that the services provided address a need identified in the most current statewide needs assessment approved by the department. If the center applying for initial certification proposes providing services in an area that has an existing certified domestic violence center, the center applying for initial certification must demonstrate the unmet need in that service area and describe its efforts to avoid duplication of services.

(2) If the department finds that there is failure by a center to comply with the requirements established under this part or with the rules adopted pursuant thereto, the department may deny, suspend, or revoke the certification of the center.

(3) The annual certificate ~~shall~~ automatically expires ~~expire~~ on June 30 of each state fiscal year unless the certification is temporarily extended to allow the center to implement a corrective action plan ~~the termination date shown on the certificate~~.

(5) Domestic violence centers may be established throughout the state when private, local, state, or federal funds are available and a need is demonstrated.

(6) In order to receive state funds, a center must:

(a) Obtain certification pursuant to this part. However, the issuance of a certificate does ~~will~~ not obligate the coalition ~~department~~ to provide funding.

(7)

(b) A contract between the coalition ~~statewide association~~ and a certified domestic violence center shall contain provisions ensuring ~~assuring~~ the availability and geographic accessibility of services throughout the service area ~~district~~. For this purpose, a center may distribute funds through subcontracts or to center satellites, if provided such arrangements and any subcontracts are approved by the coalition ~~statewide association~~.

(8) If any of the required services are exempted from certification by the department under this section, the center may not receive funding from the coalition for those services.

Section 6. Subsection (18) of section 381.006, Florida Statutes, is amended to read:

381.006 Environmental health.—The department shall conduct an environmental health program as part of fulfilling the state's public health mission. The purpose of this program is to detect and prevent disease caused by natural and manmade factors in the environment. The environmental health program shall include, but not be limited to:

(18) A food service inspection function for domestic violence centers that are certified by the Department of Children and Family Services and monitored by the Florida Coalition Against Domestic Violence ~~Department of Children and Family Services~~ under part XII of chapter 39 and group care homes as described in subsection (16), which shall be conducted annually and be limited to the requirements in department rule applicable to community-based residential facilities with five or fewer residents.

The department may adopt rules to carry out the provisions of this section.

Section 7. Paragraph (b) of subsection (1) of section 381.0072, Florida Statutes, is amended to read:

381.0072 Food service protection.—It shall be the duty of the Department of Health to adopt and enforce sanitation rules consistent with law to ensure the protection of the public from food-borne illness. These rules shall provide the standards and requirements for the storage, preparation, serving, or display of food in food service establishments as defined in this section and which are not permitted or licensed under chapter 500 or chapter 509.

(1) DEFINITIONS.—As used in this section, the term:

(b) "Food service establishment" means detention facilities, public or private schools, migrant labor camps, assisted living facilities, adult family-care homes, adult day care centers, short-term residential treatment centers, residential treatment facilities, homes for special services, transitional living facilities, crisis stabilization units, hospices, prescribed pediatric extended care centers, intermediate care facilities for persons with developmental disabilities, boarding schools, civic or fraternal organizations, bars and lounges, vending machines that dispense potentially hazardous foods at facilities expressly named in this paragraph, and facilities used as temporary food events or mobile food units at any facility expressly named in this paragraph, where food is prepared and intended for individual portion service, including the site at which individual portions are provided, regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term does not include any entity not expressly named in this paragraph; nor does the term include a domestic violence center certified by the Department of Children and Family Services and monitored by the Florida Coalition Against Domestic Violence ~~Department of Children and Family Services~~ under part XII of chapter 39 if

the center does not prepare and serve food to its residents and does not advertise food or drink for public consumption.

Section 8. Section 741.281, Florida Statutes, is amended to read:

741.281 Court to order batterers' intervention program attendance.—If a person is found guilty of, has ~~had~~ adjudication withheld on, or ~~pleads~~ ~~has pled~~ nolo contendere to a crime of domestic violence, as defined in s. 741.28, that person shall be ordered by the court to a minimum term of 1 year's probation and the court shall order that the defendant attend a batterers' intervention program as a condition of probation. The court must impose the condition of the batterers' intervention program for a defendant under this section, but the court, in its discretion, may determine not to impose the condition if it states on the record why a batterers' intervention program might be inappropriate. The court must impose the condition of the batterers' intervention program for a defendant placed on probation unless the court determines that the person does not qualify for the batterers' intervention program pursuant to s. 741.325. ~~Effective July 1, 2002, the batterers' intervention program must be a certified program under s. 741.32.~~ The imposition of probation under this section ~~does~~ ~~shall~~ not preclude the court from imposing any sentence of imprisonment authorized by s. 775.082.

Section 9. Paragraph (g) of subsection (2) of section 741.2902, Florida Statutes, is amended to read:

741.2902 Domestic violence; legislative intent with respect to judiciary's role.—

(2) It is the intent of the Legislature, with respect to injunctions for protection against domestic violence, issued pursuant to s. 741.30, that the court shall:

(g) Consider requiring the perpetrator to complete a batterers' intervention program. It is preferred that such program meet the requirements specified in s. 741.325 ~~be certified under s. 741.32.~~

Section 10. Paragraphs (a) and (e) of subsection (6) of section 741.30, Florida Statutes, are amended to read:

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; statewide verification system; enforcement.—

(6)(a) Upon notice and hearing, when it appears to the court that the petitioner is either the victim of domestic violence as defined by s. 741.28 or has reasonable cause to believe he or she is in imminent danger of becoming a victim of domestic violence, the court may grant such relief as the court deems proper, including an injunction:

1. Restraining the respondent from committing any acts of domestic violence.

2. Awarding to the petitioner the exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

3. On the same basis as provided in chapter 61, providing the petitioner with 100 percent of the time-sharing in a temporary parenting plan that remains ~~shall remain~~ in effect until the order expires or an order is entered by a court of competent jurisdiction in a pending or subsequent civil action or proceeding affecting the placement of, access to, parental time with, adoption of, or parental rights and responsibilities for the minor child.

4. On the same basis as provided in chapter 61, establishing temporary support for a minor child or children or the petitioner. An order of temporary support remains in effect until the order expires or an order is entered by a court of competent jurisdiction in a pending or subsequent civil action or proceeding affecting child support.

5. Ordering the respondent to participate in treatment, intervention, or counseling services to be paid for by the respondent. When the court orders the respondent to participate in a batterers' intervention program, the court, or any entity designated by the court, must provide the respondent with a list of ~~all certified~~ batterers' intervention programs ~~and all programs which have submitted an application to the Department of Children and Family Services to become certified under s. 741.32,~~ from which the respondent must choose a program in which to participate. ~~If there are no certified batterers' intervention programs in the circuit, the court shall provide a list of acceptable programs from which the respondent must choose a program in which to participate.~~

6. Referring a petitioner to a certified domestic violence center. The court must provide the petitioner with a list of certified domestic violence centers in the circuit which the petitioner may contact.

7. Ordering such other relief as the court deems necessary for the protection of a victim of domestic violence, including injunctions or directives to law enforcement agencies, as provided in this section.

(e) An injunction for protection against domestic violence entered pursuant to this section, on its face, may order that the respondent attend a batterers' intervention program as a condition of the injunction. Unless the court makes written factual findings in its judgment or order which are based on substantial evidence, stating why batterers' intervention programs would be inappropriate, the court shall order the respondent to attend a batterers' intervention program if:

1. It finds that the respondent willfully violated the ex parte injunction;

2. The respondent, in this state or any other state, has been convicted of, had adjudication withheld on, or pled nolo contendere to a crime involving violence or a threat of violence; or

3. The respondent, in this state or any other state, has had at any time a prior injunction for protection entered against the respondent after a hearing with notice.

~~It is mandatory that such programs be certified under s. 741.32.~~

Section 11. Subsection (5) of section 741.316, Florida Statutes, is amended to read:

741.316 Domestic violence fatality review teams; definition; membership; duties.—

(5) The domestic violence fatality review teams are assigned to the Florida Coalition Against Domestic Violence ~~Department of Children and Family Services~~ for administrative purposes.

Section 12. Section 741.32, Florida Statutes, is amended to read:

741.32 ~~Certification of~~ Batterers' intervention programs.—

~~(4)~~ The Legislature finds that the incidence of domestic violence in this state Florida is disturbingly high; and ~~that~~, despite ~~the~~ efforts of many to curb this violence, ~~that~~ one person dies at the hands of a spouse, ex-spouse, or cohabitant approximately every 3 days. Further, a child who witnesses the perpetration of this violence becomes a victim as he or she hears or sees it occurring. This child is at high risk of also being the victim of physical abuse by the parent who is perpetrating the violence and, to a lesser extent, by the parent who is the victim. These children are also at a high risk of perpetrating violent crimes as juveniles and, later, becoming perpetrators of the same violence that they witnessed as children. The Legislature finds that there should be standardized programming available to the justice system to protect victims and their children and to hold the perpetrators of domestic violence accountable for their acts. Finally, the Legislature recognizes that in order for batterers' intervention programs to be successful in protecting victims and their children, all participants in the justice system as well as social service agencies and local and state governments must coordinate their efforts at the community level.

~~(2) There is hereby established in the Department of Children and Family Services an Office for Certification and Monitoring of Batterers' Intervention Programs. The department may certify and monitor both programs and personnel providing direct services to those persons who are adjudged to have committed an act of domestic violence as defined in s. 741.28, those against whom an injunction for protection against domestic violence is entered, those referred by the department, and those who volunteer to attend such programs. The purpose of certification of programs is to uniformly and systematically standardize programs to hold those who perpetrate acts of domestic violence responsible for those acts and to ensure safety for victims of domestic violence. The certification and monitoring shall be funded by user fees as provided in s. 741.327.~~

Section 13. Section 741.325, Florida Statutes, is amended to read:

741.325 Requirements for batterers' intervention programs ~~Guideline~~ authority.—

(1) A batterers' intervention program must meet the following requirements ~~The Department of Children and Family Services shall promulgate guidelines to govern purpose, policies, standards of care, appropriate intervention approaches, inappropriate intervention approaches~~

during the batterers' program intervention phase (to include couples counseling and mediation), conflicts of interest, assessment, program content and specifics, qualifications of providers, and credentials for facilitators, supervisors, and trainees. The department shall, in addition, establish specific procedures governing all aspects of program operation, including administration, personnel, fiscal matters, victim and batterer records, education, evaluation, referral to treatment and other matters as needed. In addition, the rules shall establish:

(a)(4) ~~That~~ The primary purpose of the program programs shall be victim safety and the safety of the children, if present.

(b)(2) ~~That~~ The batterer shall be held accountable for acts of domestic violence.

(c)(3) ~~That~~ The program programs shall be at least 29 weeks in length and ~~shall~~ include 24 weekly sessions, plus appropriate intake, assessment, and orientation programming.

(d)(4) ~~That~~ The program content shall be based on be a psychoeducational model that ~~addresses~~ employs a program content based on tactics of power and control by one person over another.

(5) ~~That the programs and those who are facilitators, supervisors, and trainees be certified to provide these programs through initial certification and that the programs and personnel be annually monitored to ensure that they are meeting specified standards.~~

(e)(6) ~~The intent that~~ The program shall programs be user fee funded by user with fees paid by ~~from~~ the batterers who attend the program, which allows them to take as payment for programs is important to the batterer taking responsibility for their acts the act of violence, and from those seeking certification. An exception shall be made for ~~those~~ local, state, or federal programs that fund batterers' intervention programs in whole or in part.

(7) ~~Standards for rejection and suspension for failure to meet certification standards.~~

(2)(8) The requirements of this section ~~That these standards shall~~ apply only to programs that address the perpetration of violence between intimate partners, spouses, ex-spouses, or those who share a child in common or who are cohabitants in intimate relationships for the purpose of exercising power and control by one over the other. It will endanger victims if courts and other referral agencies refer family and household members who are not perpetrators of the type of domestic violence encompassed by these requirements standards. Accordingly, the court and others who make referrals should refer perpetrators only to programming that appropriately addresses the violence committed.

Section 14. Section 741.327, Florida Statutes, is repealed.

Section 15. Section 948.038, Florida Statutes, is amended to read:

948.038 Batterers' intervention program as a condition of probation, community control, or other court-ordered community supervision.—As a condition of probation, community control, or any other court-ordered community supervision, the court shall order a person convicted of an offense of domestic violence, as defined in s. 741.28, to attend and successfully complete a batterers' intervention program unless the court determines that the person does not qualify for the batterers' intervention program pursuant to s. 741.325. ~~The batterers' intervention program must be a program certified under s. 741.32, and the offender must pay the cost of attending the program.~~

Section 16. Paragraph (a) of subsection (1) of section 938.01, Florida Statutes, is amended to read:

938.01 Additional Court Cost Clearing Trust Fund.—

(1) All courts created by Art. V of the State Constitution shall, in addition to any fine or other penalty, require every person convicted for violation of a state penal or criminal statute or convicted for violation of a municipal or county ordinance to pay \$3 as a court cost. Any person whose adjudication is withheld pursuant to the provisions of s. 318.14(9) or (10) shall also be liable for payment of such cost. In addition, \$3 from every bond estreature or forfeited bail bond related to such penal statutes or penal ordinances shall be remitted to the Department of Revenue as described in this subsection. However, no such assessment may be made against any person convicted for violation of any state statute, municipal ordinance, or county ordinance relating to the parking of vehicles.

(a) All costs collected by the courts pursuant to this subsection shall be remitted to the Department of Revenue in accordance with administrative rules adopted by the executive director of the Department of Revenue for deposit in the Additional Court Cost Clearing Trust Fund. These funds and the funds deposited in the Additional Court Cost Clearing Trust Fund pursuant to s. 318.21(2)(c) shall be distributed as follows:

1. Ninety-two percent to the Department of Law Enforcement Criminal Justice Standards and Training Trust Fund.

2. Six and three-tenths percent to the Department of Law Enforcement Operating Trust Fund for the Criminal Justice Grant Program.

3. One and seven-tenths percent to the Department of Children and Family Services Domestic Violence Trust Fund for the domestic violence program pursuant to s. 39.903(1)(3).

Section 17. This act shall take effect July 1, 2012.

===== TITLE AMENDMENT =====

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to domestic violence; amending s. 39.902, F.S.; defining the term "coalition" as it relates to domestic violence; amending s. 39.903, F.S.; revising provisions relating to certification of domestic violence centers; providing specified additional duties for and authority of the Florida Coalition Against Domestic Violence; revising the duties of the Department of Children and Family Services; requiring the department to contract with coalition for specified purposes; creating s. 39.9035, F.S.; providing the duties of the coalition as it manages the delivery of services to the state's domestic violence program; amending s. 39.904, F.S.; requiring the coalition, rather than the department, to make a specified annual report; revising the contents of the report; amending s. 39.905, F.S.; requiring the coalition, rather than the department, to perform certain duties relating to certification of domestic violence centers; revising provisions relating to certification of domestic violence centers; requiring a demonstration of need for certification of a new domestic violence center; revising provisions relating to expiration of a center's annual certificate; prohibiting a domestic violence center from receiving funding from the coalition for services that are exempted from certification; amending ss. 381.006, 381.0072, 741.281, 741.2902, 741.30, and 741.316, F.S.; conforming provisions to changes made by the act; amending s. 741.32, F.S.; deleting provisions relating to the certification of batterers' intervention programs; amending s. 741.325, F.S.; revising the requirements for batterers' intervention programs; repealing s. 741.327, F.S., relating to the certification and monitoring of batterers' intervention programs; amending ss. 948.038 and 938.01, F.S.; conforming provisions to changes made by the act; providing an effective date.

On motion by Rep. Harrell, the House concurred in **Senate Amendment 1**.

The question recurred on the passage of **HB 7093**. The vote was:

Session Vote Sequence: 1158

Speaker Cannon in the Chair.

Yeas—118

Abruzzo	Brodeur	Crisafulli	Gibbons
Adkins	Broxson	Cruz	Glorioso
Ahern	Bullard	Davis	Gonzalez
Albritton	Burgin	Diaz	Goodson
Artiles	Caldwell	Dorworth	Grant
Aubuchon	Campbell	Drake	Grimsley
Baxley	Cannon	Eisnagle	Hager
Bembry	Chestnut	Ford	Harrell
Berman	Clarke-Reed	Fresen	Harrison
Bernard	Clemens	Frishe	Holder
Bileca	Coley	Fullwood	Hooper
Boyd	Corcoran	Gaetz	Homer
Brandes	Costello	Garcia	Hudson

Hukill	Núñez	Rehwinkel Vasilinda	Taylor
Ingram	O'Toole	Renuart	Thompson, G.
Jenne	Oliva	Roberson, K.	Thurston
Julien	Pafford	Rogers	Tobia
Kiar	Passidomo	Rooney	Trujillo
Kreegel	Patronis	Rouson	Van Zant
Kriseman	Perman	Sands	Waldman
Legg	Perry	Saunders	Watson
Logan	Pilon	Schenck	Weatherford
Lopez-Cantera	Plakon	Schwartz	Weinstein
Mayfield	Porter	Slosberg	Williams, A.
McBurney	Porth	Smith	Williams, T.
McKeel	Precourt	Snyder	Wood
Metz	Proctor	Soto	Workman
Moraitis	Randolph	Stafford	Young
Nehr	Ray	Stargel	
Nelson	Reed	Steube	

Nays—None

Votes after roll call:

Yeas—Jones

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 979, with 1 amendment, and requests the concurrence of the House.

Debbie Brown, Secretary

CS/CS/HB 979—A bill to be entitled An act relating to developments of regional impact; amending s. 163.3184, F.S.; requiring that comprehensive plan amendments proposing certain developments follow the state coordinated review process; amending s. 380.06, F.S.; limiting the scope of certain recommendations and comments by reviewing agencies regarding proposed developments; revising certain review criteria for reports and recommendations on the regional impact of proposed developments; requiring regional planning agency reports to contain recommendations consistent with the standards of state permitting agencies and water management districts; providing that specified changes to a development order are not substantial deviations; providing an exemption from development-of-regional-impact review for proposed developments that meet specified criteria and are located in certain jurisdictions; requiring an agreement for such exemption; providing notice requirements; providing for effect and applicability; amending s. 380.115, F.S.; revising conditions under which a local government is required to rescind a development-of-regional-impact development order; providing an effective date.

(Amendment Bar Code: 543740)

Senate Amendment 1 (with title amendment)—Between lines 329 and 330

insert:

Section 4. (1) Notwithstanding ss. 163.3162 and 163.3164, Florida Statutes, the owner of a parcel of land located in an unincorporated area of a county that qualifies as an agricultural enclave under subsection (2) may apply for an amendment to the local government comprehensive plan pursuant to s. 163.3184, Florida Statutes. The subject of the amendment is presumed not to be urban sprawl, as defined in s. 163.3164, Florida Statutes, if it proposes land uses and intensities of use that are consistent with the existing uses and intensities of use of, or consistent with the uses and intensities of use authorized for, the industrial, commercial, or residential areas that surround the parcel. If the parcel of land that is the subject of an amendment under this section is abutted on all sides by land having only one land use designation, the same land use designation must be presumed by the county to be appropriate for the parcel. The county shall, after considering the proposed density and intensity, grant the parcel the same land use designation as the

surrounding parcels that abut the parcel unless the county finds by clear and convincing evidence that the grant would be detrimental to the health, safety, and welfare of its residents.

(2) In order to qualify as an agricultural enclave under this section, the parcel of land must be a parcel that:

(a) Is owned by a single person or entity;

(b) Has been in continuous use for bona fide agricultural purposes, as defined by s. 193.461, Florida Statutes, for at least 5 years before the date of any comprehensive plan amendment application;

(c) Is surrounded on at least 95 percent of its perimeter by property that the local government has designated as land that may be developed for industrial, commercial, or residential purposes; and

(d) Does not exceed 640 acres but is not smaller than 500 acres.

(3) This section does not preempt or replace the protection currently existing for property located within the boundaries of:

1. The Wekiva Study Area, as described in s. 369.316, Florida Statutes; or

2. The Everglades Protection Area, as defined in s. 373.4592(2), Florida Statutes.

In order to qualify under this section as an enclave, the owner of a parcel of land meeting the requirements of subsection (2) must submit a written application to the county by January 1, 2013.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 24

and insert:

regional-impact development order; providing a presumption that certain agricultural enclaves do not constitute urban sprawl; establishing qualifications for designation as an agricultural enclave for such purpose and establishing exceptions from the definition for designated protected areas; providing an

Rep. Diaz moved that the House concur in **Senate Amendment 1**.

Point of Order

Rep. Waldman raised a point of order, suggesting that the amendment was substantially similar to **HB 1415**, which had not been heard in a committee or subcommittee of reference.

The Chair [Speaker Cannon], referred the point to Rep. Aubuchon, Chair of the Rules & Calendar Committee, for a recommendation.

Rep. Aubuchon, in speaking to the point of order on **Senate Amendment 1 to CS/CS/HB 979**, stated that the amendment was a Senate amendment, and therefore, does not violate a House Rule. Rep. Aubuchon recommended the point be not well taken.

The Chair [Speaker Cannon], upon the recommendation of Rep. Aubuchon, Chair of the Rules & Calendar Committee, ruled the point not well taken.

The question recurred on the motion to concur in **Senate Amendment 1**, which was adopted. The vote was:

Session Vote Sequence: 1159

Speaker Cannon in the Chair.

Yeas—76

Adkins	Bileca	Caldwell	Diaz
Ahern	Boyd	Cannon	Dorworth
Albritton	Brandes	Coley	Drake
Artiles	Brodeur	Corcoran	Eisnagle
Aubuchon	Broxson	Crisafulli	Ford
Bembry	Burgin	Davis	Fresen

Frishe	Hukill	O'Toole	Schenck
Gaetz	Ingram	Oliva	Smith
Glorioso	Kreegel	Passidomo	Stargel
Gonzalez	Legg	Patronis	Steube
Goodson	Lopez-Cantera	Perry	Tobia
Grant	Mayfield	Plakon	Trujillo
Hager	McBurney	Porter	Van Zant
Harrell	McKeel	Precourt	Weatherford
Harrison	Metz	Proctor	Weinstein
Holder	Moraitis	Ray	Williams, T.
Hooper	Nehr	Renuart	Wood
Horner	Nelson	Roberson, K.	Workman
Hudson	Núñez	Rooney	Young

Nays—40

Abruzzo	Fullwood	Perman	Slosberg
Baxley	Garcia	Pilon	Snyder
Berman	Gibbons	Porth	Soto
Bernard	Jenne	Randolph	Stafford
Bullard	Jones	Reed	Taylor
Campbell	Julien	Rehwinkel Vasilinda	Thompson, G.
Chestnut	Kiar	Rogers	Thurston
Clarke-Reed	Kriseman	Rouson	Waldman
Costello	Logan	Saunders	Watson
Cruz	Pafford	Schwartz	Williams, A.

The question recurred on the passage of **CS/CS/HB 979**. The vote was:

Session Vote Sequence: 1160

Speaker Cannon in the Chair.

Yeas—87

Abruzzo	Davis	Julien	Porter
Adkins	Diaz	Kiar	Porth
Ahern	Dorworth	Kreegel	Precourt
Albritton	Drake	Legg	Proctor
Artiles	Eisnagle	Logan	Ray
Aubuchon	Ford	Lopez-Cantera	Renuart
Baxley	Fresen	Mayfield	Roberson, K.
Bembry	Frishe	McBurney	Rooney
Bernard	Gaetz	McKeel	Schenck
Bileca	Glorioso	Metz	Smith
Boyd	Gonzalez	Moraitis	Stargel
Brandes	Goodson	Nehr	Steube
Brodeur	Grant	Nelson	Tobia
Broxson	Hager	Núñez	Trujillo
Burgin	Harrell	O'Toole	Van Zant
Caldwell	Harrison	Oliva	Weatherford
Campbell	Holder	Passidomo	Weinstein
Cannon	Hooper	Patronis	Williams, T.
Coley	Horner	Perman	Wood
Corcoran	Hudson	Perry	Workman
Costello	Hukill	Pilon	Young
Crisafulli	Ingram	Plakon	

Nays—31

Berman	Gibbons	Rogers	Stafford
Bullard	Jenne	Rouson	Taylor
Chestnut	Jones	Sands	Thompson, G.
Clarke-Reed	Kriseman	Saunders	Thurston
Clemens	Pafford	Schwartz	Waldman
Cruz	Randolph	Slosberg	Watson
Fullwood	Reed	Snyder	Williams, A.
Garcia	Rehwinkel Vasilinda	Soto	

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

Recessed

The House recessed at 5:24 p.m., to reconvene at 5:34 p.m.

Reconvened

The House was called to order by Speaker at 5:40 p.m. A quorum was present [Session Vote Sequence: 1161].

Remarks of the Speaker

Speaker Cannon: Thank you, Members, let me have your attention. Please take your seat. While we are waiting for our messages to come over, I figure now is as good a time as any to give my farewell remarks. And, having had the opportunity to say my thank yous, or my public thank yous on Tuesday, I thought I would spend some time thinking about what was really left to say in my farewell speech and in trying to be concise—Representative Jenne—I decided it was easier to decide what I was not going to say.

First, I'm not going to stand before you and list the policy achievements of the last two years. While I'm incredibly proud of what has been accomplished, those achievements are not mine. Those achievements belong to everyone in this room and the staff who work so hard to turn those ideas into laws, and those achievements belong to you.

And I decided I wasn't going to stand before you in an attempt to define my own legacy. Because, while I hope you will think very well of our time together, I am comfortable allowing my actions and my decisions and my conduct to speak for themselves.

And I'm also not going to stand before you to advise you of the proper role of a State Representative or the obligations of the Florida House, because my tenure as Speaker has come to an end. And questions of how this chamber should be governed and what standard of conduct you should expect from yourselves are questions that I leave gladly to you and your very, very capable future leaders to sort through together.

And I'm certainly not going to stand before you and opine on the future. Because, when I was first elected to office the biggest problem of our first session seemed to be how we were going to spend an extra 3 billion dollars in unanticipated revenue. And when I won my Speakers race back in 2005, I had no idea what lay ahead and that's probably a good thing. I didn't foresee our state's economy in the grip of a great recession, or our Florida house traumatized by a crisis in leadership, or a Republican party victimized by a corrupt chairman, or a redistricting process complicated by two new undefined Constitutional amendments, or a budget devastated by a loss after loss after loss of more than a quarter of our general revenue. And during one of those crises, a member asked me if I felt like I came up short in the Speaker lottery. Did I feel like I had more than my share of problems—more than 99, Representative Williams—and didn't I wish that I had run for the House earlier or waited longer to be Speaker? And the flaw, the problem with those questions is that they are based on an assumption that we are better off if we can avoid tough situations, and side-step difficulties and they failed to grasp that it is those very challenges and difficulties that define us.

And so, I would like to leave you with one simple truth, among many, that I've learned during my years here. I've learned in some of the hardest ways imaginable, but it's this—do not be afraid. Don't be afraid of failure or of success. Do be afraid of succeeding at the things in this process or in life that don't really matter. If you file a bill to solve a problem, then have the courage to solve that problem rather than back away so that the real solutions to the problem won't jeopardize your bill. It is better to fight and lose than to shrink from a worthy fight. Don't be afraid to change. Challenge yourself to be better and be willing, gladly, to be wrong. Find allies, members, who are smarter than you and don't be afraid to challenge enemies who appear stronger than you. And then, when it happens, be honest enough to say it when your allies are wrong and your enemies are right—that happens too. Don't be afraid to give people second chances when they make mistakes. One day you'll need that to, I have.

Because the hard things in this process are really the only ones worth doing. And please, don't let fear of controversy or anxiety about re-election

keep you from attacking the status quo. If you go through your entire time in the legislature without upsetting an editorial board or two or making people angry, then you need to question whether your time here was well spent.

And lastly, don't be afraid of the future, because for me what was once my future is now my past. And as I look back on my time and reflect on those questions I was asked, the answer is very, very clear. Standing here today, having had the honor, the privilege, to serve in the Florida House during such interesting and invigorating times, I feel I'm the luckiest man alive. And in a weird way I did win the speaker lottery.

I don't know what the future will bring for me, or for you, but please know that I wish each and every one of you all the best as you set out on the next leg of your journey and I hope, my sincerest hope is that you will find challenges worthy of you and when you do, don't be afraid. Don't be afraid to take risks, don't be afraid to fail, don't be afraid to fight, but whatever else you do—never, never, never give up. Thank you very much, and I love you all. [standing ovation]

The Speaker Recognized Rep. Weatherford for the following remarks:

Rep. Weatherford: Thank you, Mr. Speaker, and thank you for giving me this small moment of personal privilege. A lot of people in this chamber have had a moment to exude their appreciation for you, but I have not. I would just like to have one moment, if you would bear with me, to thank you. Speaker Cannon never seems to amaze me, always kind of surprise, as I've known him for so many years, but the most recent is probably the most impressive which is that I would never predict that you would know Jay-Z better than Representative Alan Williams—and by the way, that's the only time you'll ever be on Drudge Report, I can assure you of that, too. [laughter]

Speaker, you thanked your family yesterday, but if I could, I would like to thank Mrs. Cannon, one more time, and the reason for that is because the sacrifice that you have made that you have allowed your husband, Speaker Cannon, to make, for us, we as a body will never forget as he has lead us through very challenging times, and we just appreciate you and if I could also share something on a personal note, my wife Courtney and I were having dinner late last night and we were chatting and she told me she said, "every time I see Ellen Cannon she always tells me that she is praying for me" because you know what she's about to go through and you know what I'm about to go through and we can not tell you how much we appreciate that. You are a wonderful, wonderful person and we are thankful for you allowing Dean, Speaker Cannon, to sacrifice his time with us. Thank you.

And Mr Speaker, you and I have been through a lot together. We have weathered some tremendous storms. Whether it was the challenging budget you just discussed, the hardest thing I've probably been through in this process and dealing with the leadership challenges that we had a few years ago, you've always been a man of your word you've always been a man of integrity. You have set a bar, my friend, that is very high, but one that I hope to reach for.

I'm the oldest of six boys and my mother told me at an early age that I would grow up and my young brothers would either learn to be, that I would be to them, a good example or a bad example and I got to choose which one it would be, but that they could learn from both, because the truth is you can. Speaker Cannon, like an older brother, you have shown me what a good example is, and what it can be, and what it can do for this chamber, and I can never thank you enough for that.

Proverbs 22:1 says that, "a good name is to be chosen rather than great riches and that favor is better than silver or gold." Mr Speaker, you have a great name, you have been a great leader, and you have been like a brother to me. Our state and this very, very special place, the Florida House, is a better place because of you. You are the tip of our sword, sir. God bless you, and thank you for your service.

The House recessed at 5:54 p.m., to reconvene at 6:05 p.m.

Reconvened

The House was called to order by the Speaker at 6:24 p.m. A quorum was present [Session Vote Sequence: 1162].

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 7027, with 1 amendment, and requests the concurrence of the House.

Debbie Brown, Secretary

CS/HB 7027—A bill to be entitled An act relating to unemployment compensation; amending s. 443.011, F.S.; revising a short title to rename "unemployment compensation" as "reemployment assistance"; amending s. 443.012, F.S.; renaming the Unemployment Appeals Commission as the Reemployment Assistance Appeals Commission; amending s. 443.036, F.S.; providing a definition for the term "reemployment assistance"; revising references to conform to changes made by the act; amending s. 443.071, F.S.; revising the requirements for establishing prima facie evidence of transaction history and payment; revising references to conform to changes made by the act; amending s. 443.091, F.S.; providing scoring requirements relating to initial skills reviews; providing for workforce training for certain eligible claimants; providing reporting requirements; providing work search requirements for certain claimants; providing for the applicability of certain exceptions relating to benefits based on employment with a private employer under contract with an educational institution effective July 1, 2013; revising references to conform to changes made by this act; amending s. 443.101, F.S.; clarifying how a disqualification for benefits for fraud is imposed; revising references to conform to changes made by this act; reviving, readopting, and amending s. 443.1117, F.S., relating to temporary extended benefits; providing for retroactive application; establishing temporary state extended benefits for weeks of unemployment; revising definitions; providing for state extended benefits for certain weeks and for periods of high unemployment; providing for application of specified provisions of the act; amending s. 443.131, F.S.; prohibiting benefits from being charged to the employment record of an employer that is forced to lay off workers as a result of a manmade disaster of national significance; revising references to conform to changes made by this act; amending s. 443.1216, F.S.; providing that employee leasing companies may make a one-time election to report leased employees under the respective unemployment account of each leasing company client; providing procedures and application for such election; revising references to conform to changes made by the act; amending s. 443.151, F.S.; revising the statute of limitations related to the collection of unemployment compensation benefits overpayments; revising references to conform to changes made by this act; amending s. 443.171, F.S.; deleting an exemption from public records requirements for unemployment compensation records and reports; revising references to conform to changes made by this act; amending s. 443.1715, F.S.; revising an exemption from public records requirements for unemployment compensation records and reports; revising references to conform to changes made by this act; amending ss. 20.60, 27.52, 40.24, 45.031, 55.204, 57.082, 61.046, 61.1824, 61.30, 69.041, 77.041, 110.205, 110.502, 120.80, 125.9502, 212.096, 213.053, 216.292, 220.03, 220.181, 220.191, 220.194, 222.15, 222.16, 255.20, 288.075, 288.1045, 288.106, 288.1081, 288.1089, 334.30, 408.809, 409.2563, 409.2576, 414.295, 435.06, 440.12, 440.15, 440.381, 440.42, 443.051, 443.111, 443.1113, 443.1116, 443.1215, 443.1312, 443.1313, 443.1315, 443.1316, 443.1317, 443.141, 443.163, 443.17161, 443.181, 443.191, 443.221, 445.009, 445.016, 446.50, 448.110, 450.31, 450.33, 468.529, 553.791, 624.509, 679.4061, 679.4081, 895.02, 896.101, 921.0022, 946.513, 946.523, 985.618, 1003.496, 1008.39, and 1008.41, F.S.; revising references to conform to changes made by the act; providing for severability; providing a declaration of important state interest; providing effective dates.

Recessed

(Amendment Bar Code: 639620)

Senate Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 443.011, Florida Statutes, is amended to read:

443.011 Short title.—This chapter may be cited as the "Reemployment Assistance Program Unemployment Compensation Law."

Section 2. Subsections (1), (3), (10), and (12) of section 443.012, Florida Statutes, are amended to read:

443.012 Reemployment Assistance Unemployment Appeals Commission.—

(1) There is created within the Division of Workforce Services of the Department of Economic Opportunity a Reemployment Assistance and Unemployment Appeals Commission. The commission is composed of a chair and two other members appointed by the Governor, subject to confirmation by the Senate. Only one appointee may be a representative of employers, as demonstrated by his or her previous vocation, employment, or affiliation; and only one appointee may be a representative of employees, as demonstrated by his or her previous vocation, employment, or affiliation.

(a) The chair shall devote his or her entire time to commission duties and is responsible for the administrative functions of the commission.

(b) The chair has authority to appoint a general counsel and other personnel to carry out the duties and responsibilities of the commission.

(c) The chair must have the qualifications required by law for a judge of the circuit court and may not engage in any other business vocation or employment. Notwithstanding any other law, the chair shall be paid a salary equal to that paid under state law to a judge of the circuit court.

(d) The remaining members shall be paid a stipend of \$100 for each day they are engaged in the work of the commission. The chair and other members are entitled to be reimbursed for travel expenses, as provided in s. 112.061.

(e) The total salary and travel expenses of each member of the commission shall be paid from the Employment Security Administration Trust Fund.

(3) The commission has all authority, powers, duties, and responsibilities relating to reemployment assistance unemployment compensation appeal proceedings under this chapter.

(10) The commission shall have a seal for authenticating its orders, awards, and proceedings, upon which shall be inscribed the words "State of Florida-Reemployment Assistance Unemployment Appeals Commission-Seal," and it shall be judicially noticed.

(12) Orders of the commission relating to reemployment assistance unemployment compensation under this chapter are subject to review only by notice of appeal to the district courts of appeal in the manner provided in s. 443.151(4)(e).

Section 3. Subsections (12), (14), and (26) of section 443.036, Florida Statutes, are amended, present subsections (38) through (46) are renumbered as subsections (39) through (47), respectively, present subsections (38) and (42) are amended, and a new subsection (38) is added to that section, to read:

443.036 Definitions.—As used in this chapter, the term:

(12) "Commission" means the Reemployment Assistance Unemployment Appeals Commission.

(14) "Contribution" means a payment of payroll tax to the Unemployment Compensation Trust Fund which is required under this chapter to finance reemployment assistance unemployment benefits.

(26) "Initial skills review" means an online education or training program, such as that established under s. 1004.99, that is approved by the Department of Economic Opportunity Agency for Workforce Innovation and designed to measure an individual's mastery level of workplace skills.

(38) "Reemployment assistance" means cash benefits payable to individuals with respect to their unemployment pursuant to the provisions of this chapter. Where the context requires, reemployment assistance also means cash benefits payable to individuals with respect to their unemployment pursuant to 5 U.S.C. ss. 8501-8525, 26 U.S.C. ss. 3301-3311, 42 U.S.C. ss. 501-504, 1101-1110, and 1321-1324, or pursuant to state laws which have been certified pursuant to 26 U.S.C. s. 3304 and 42 U.S.C. s. 503. Any reference to reemployment assistance shall mean compensation payable from an unemployment fund as defined in 26 U.S.C. s. 3306(f).

(39)(38) "Reimbursement" means a payment of money to the Unemployment Compensation Trust Fund in lieu of a contribution which is required under this chapter to finance reemployment assistance unemployment benefits.

(43)(42) "Tax collection service provider" or "service provider" means the state agency providing reemployment assistance unemployment tax collection services under contract with the Department of Economic Opportunity through an interagency agreement pursuant to s. 443.1316.

Section 4. Paragraph (a) of subsection (1) and paragraphs (b) and (d) of subsection (3) of section 443.051, Florida Statutes, are amended to read:

443.051 Benefits not alienable; exception, child support intercept.—

(1) DEFINITIONS.—As used in this section:

(a) "Reemployment assistance" or "unemployment compensation" means any compensation payable under state law, including amounts payable pursuant to an agreement under any federal law providing for compensation, assistance, or allowances for unemployment.

(3) EXCEPTION, SUPPORT INTERCEPT.—

(b) For support obligations established on or after July 1, 2006, and for support obligations established before July 1, 2006, when the support order does not address the withholding of reemployment assistance or unemployment compensation, the department shall deduct and withhold 40 percent of the reemployment assistance or unemployment compensation otherwise payable to an individual disclosed under paragraph (a). If delinquencies, arrearages, or retroactive support are owed and repayment has not been ordered, the unpaid amounts are included in the support obligation and are subject to withholding. If the amount deducted exceeds the support obligation, the Department of Revenue shall promptly refund the amount of the excess deduction to the obligor. For support obligations in effect before July 1, 2006, if the support order addresses the withholding of reemployment assistance or unemployment compensation, the department shall deduct and withhold the amount ordered by the court or administrative agency that issued the support order as disclosed by the Department of Revenue.

(d) Any amount deducted and withheld under this subsection shall for all purposes be treated as if it were paid to the individual as reemployment assistance or unemployment compensation and paid by the individual to the Department of Revenue for support obligations.

Section 5. Subsections (6), (7), and (8) of section 443.071, Florida Statutes, are amended to read:

443.071 Penalties.—

(6) The entry into evidence of an application for reemployment assistance unemployment benefits initiated by the use of the Internet claims program or the interactive voice response system telephone claims program of the Department of Economic Opportunity constitutes prima facie evidence of the establishment of a personal benefit account by or for an individual if the following information is provided: the applicant's name, residence address, date of birth, social security number, and present or former place of work.

(7) The entry into evidence of a transaction history generated by a personal identification number, password, or other identifying code used by the department in establishing that a certification or claim for one or more weeks of benefits was made against the benefit account of the individual, together with documentation that payment was paid by a state warrant made to the order of the person, or by direct deposit via electronic means, or department-issued debit card, constitutes prima facie evidence that the person claimed and received reemployment assistance unemployment benefits from the state.

(8) All records relating to investigations of reemployment assistance unemployment compensation fraud in the custody of the Department of Economic Opportunity or its tax collection service provider are available for examination by the Department of Law Enforcement, the state attorneys, or the Office of the Statewide Prosecutor in the prosecution of offenses under s. 817.568 or in proceedings brought under this chapter.

Section 6. Paragraphs (c), (d), and (f) of subsection (1) and subsection (3) of section 443.091, Florida Statutes, are amended to read:

443.091 Benefit eligibility conditions.—

(1) An unemployed individual is eligible to receive benefits for any week only if the Department of Economic Opportunity finds that:

(c) To make continued claims for benefits, she or he is reporting to the department in accordance with this paragraph and department agency rules,

and participating in an initial skills review, as directed by the department agency. Department Agency rules may not conflict with s. 443.111(1)(b), which requires that each claimant continue to report regardless of any pending appeal relating to her or his eligibility or disqualification for benefits.

1. For each week of unemployment claimed, each report must, at a minimum, include the name, address, and telephone number of each prospective employer contacted, or the date the claimant reported to a one-stop career center, pursuant to paragraph (d).

2. The administrator or operator of the initial skills review shall notify the department agency when the individual completes the initial skills review and report the results of the review to the regional workforce board or the one-stop career center as directed by the workforce board. The department shall prescribe a numeric score on the initial skills review that demonstrates a minimal proficiency in workforce skills. The department, workforce board, or one-stop career center shall use the initial skills review to develop a plan for referring individuals to training and employment opportunities. The failure of the individual to comply with this requirement will result in the individual being determined ineligible for benefits for the week in which the noncompliance occurred and for any subsequent week of unemployment until the requirement is satisfied. However, this requirement does not apply if the individual is able to affirmatively attest to being unable to complete such review due to illiteracy or a language impediment or is exempt from the work registration requirement as set forth in paragraph (b).

3. Any individual that falls below the minimal proficiency score prescribed by the department in subparagraph 2. on the initial skills review shall be offered training opportunities and encouraged to participate in such training at no cost to the individual in order to improve his or her workforce skills to the minimal proficiency level.

4. The department shall coordinate with Workforce Florida, Inc., the workforce boards, and the one-stop career centers to identify, develop, and utilize best practices for improving the skills of individuals who choose to participate in training opportunities and who have a minimal proficiency score below the score prescribed in subparagraph 2.

5. The department, in coordination with Workforce Florida, Inc., the workforce boards, and the one-stop career centers, shall evaluate the use, effectiveness, and costs associated with the training prescribed in subparagraph 3. and report its findings and recommendations for training and the use of best practices to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2013.

(d) She or he is able to work and is available for work. In order to assess eligibility for a claimed week of unemployment, the department shall develop criteria to determine a claimant's ability to work and availability for work. A claimant must be actively seeking work in order to be considered available for work. This means engaging in systematic and sustained efforts to find work, including contacting at least five prospective employers for each week of unemployment claimed. The department agency may require the claimant to provide proof of such efforts to the one-stop career center as part of reemployment services. The department agency shall conduct random reviews of work search information provided by claimants. As an alternative to contacting at least five prospective employers for any week of unemployment claimed, a claimant may, for that same week, report in person to a one-stop career center to meet with a representative of the center and access reemployment services of the center. The center shall keep a record of the services or information provided to the claimant and shall provide the records to the department agency upon request by the department agency. However:

1. Notwithstanding any other provision of this paragraph or paragraphs (b) and (e), an otherwise eligible individual may not be denied benefits for any week because she or he is in training with the approval of the department, or by reason of s. 443.101(2) relating to failure to apply for, or refusal to accept, suitable work. Training may be approved by the department in accordance with criteria prescribed by rule. A claimant's eligibility during approved training is contingent upon satisfying eligibility conditions prescribed by rule.

2. Notwithstanding any other provision of this chapter, an otherwise eligible individual who is in training approved under s. 236(a)(1) of the Trade Act of 1974, as amended, may not be determined ineligible or disqualified for benefits due to enrollment in such training or because of

leaving work that is not suitable employment to enter such training. As used in this subparagraph, the term "suitable employment" means work of a substantially equal or higher skill level than the worker's past adversely affected employment, as defined for purposes of the Trade Act of 1974, as amended, the wages for which are at least 80 percent of the worker's average weekly wage as determined for purposes of the Trade Act of 1974, as amended.

3. Notwithstanding any other provision of this section, an otherwise eligible individual may not be denied benefits for any week because she or he is before any state or federal court pursuant to a lawfully issued summons to appear for jury duty.

4. Union members who customarily obtain employment through a union hiring hall may satisfy the work search requirements of this paragraph by reporting daily to their union hall.

5. The work search requirements of this paragraph do not apply to persons who are unemployed as a result of a temporary layoff or who are claiming benefits under an approved short-time compensation plan as provided in s. 443.1116.

6. In small counties as defined in s. 120.52(19), a claimant engaging in systematic and sustained efforts to find work must contact at least three prospective employers for each week of unemployment claimed.

(f) She or he has been unemployed for a waiting period of 1 week. A week may not be counted as a waiting week of unemployment under this subsection only if unless:

1. It occurs within the benefit year that includes the week for which she or he claims payment of benefits; and

2. Benefits have not been paid for that week; and-

3. The individual was eligible for benefits for that week as provided in this section and s. 443.101, except for the requirements of this subsection and s. 443.101(5).

(3) Benefits based on service in employment described in s. 443.1216(2) and (3) are payable in the same amount, on the same terms, and subject to the same conditions as benefits payable based on other service subject to this chapter, except that:

(a) Benefits are not payable for services in an instructional, research, or principal administrative capacity for an educational institution or an institution of higher education for any week of unemployment commencing during the period between 2 successive academic years; during a similar period between two regular terms, whether or not successive; or during a period of paid sabbatical leave provided for in the individual's contract, to any individual, if the individual performs those services in the first of those academic years or terms and there is a contract or a reasonable assurance that the individual will perform services in any such capacity for any educational institution or institution of higher education in the second of those academic years or terms.

(b) Benefits may not be based on services in any other capacity for an educational institution or an institution of higher education to any individual for any week that commences during a period between 2 successive academic years or terms if the individual performs those services in the first of the academic years or terms and there is a reasonable assurance that the individual will perform those services in the second of the academic years or terms. However, if compensation is denied to any individual under this paragraph and the individual was not offered an opportunity to perform those services for the educational institution for the second of those academic years or terms, that individual is entitled to a retroactive payment of compensation for each week for which the individual filed a timely claim for compensation and for which compensation was denied solely by reason of this paragraph.

(c) Benefits are not payable based on services provided to an educational institution or institution of higher learning to any individual for any week that commences during an established and customary vacation period or holiday recess if the individual performs any services described in paragraph (a) or paragraph (b) in the period immediately before the vacation period or holiday recess and there is a reasonable assurance that the individual will perform any service in the period immediately after the vacation period or holiday recess.

(d) Benefits are not payable for services in any capacity specified in paragraphs (a), (b), and (c) to any individual who performed those services in an educational institution while in the employ of a governmental agency or

governmental entity that is established and operated exclusively for the purpose of providing those services to one or more educational institutions.

(e) Benefits are not payable for services in any capacity specified in paragraphs (a), (b), (c), and (d) to any individual who provided those services to or on behalf of an educational institution, or an institution of higher education.

(f) Effective July 1, 2013, paragraphs (a), (b), and (c) shall apply to services provided by an individual for an educational institution while in the employ of a private employer holding a contractual relationship with such educational institution, but only if the base period wages attributable to such services are identified as such in the quarterly reports filed pursuant to s. 443.131(1).

~~(g)(4)~~ As used in this subsection, the term:

1. "Fixed contract" means a written agreement of employment for a specified period of time.

2. "Continuing contract" means a written agreement that is automatically renewed until terminated by one of the parties to the contract.

Section 7. Subsections (5), (6), (9), and (11) and paragraph (b) of subsection (10) of section 443.101, Florida Statutes, are amended to read:

443.101 Disqualification for benefits.—An individual shall be disqualified for benefits:

(5) For any week with respect to which or a part of which he or she has received or is seeking reemployment assistance or unemployment benefits under a reemployment assistance or an unemployment compensation law of another state or of the United States. For the purposes of this subsection, a reemployment assistance or an unemployment compensation law of the United States is any law of the United States which provides for payment of any type and in any amounts for periods of unemployment due to lack of work. However, if the appropriate agency of the other state or of the United States finally determines that he or she is not entitled to reemployment assistance or unemployment benefits, this disqualification does not apply.

(6) For a period not to exceed 1 year from the date of the discovery by the Department of Economic Opportunity of the making of any false or fraudulent representation for the purpose of obtaining benefits contrary to this chapter, constituting a violation under s. 443.071. The disqualification imposed under this subsection shall begin with the week in which the false or fraudulent representation is made and shall continue for a period not to exceed 1 year after the date the Department of Economic Opportunity discovers the false or fraudulent representation and until any overpayment of benefits resulting from such representation has been repaid in full. This disqualification may be appealed in the same manner as any other disqualification imposed under this section. A conviction by any court of competent jurisdiction in this state of the offense prohibited or punished by s. 443.071 is conclusive upon the appeals referee and the commission of the making of the false or fraudulent representation for which disqualification is imposed under this section.

(9) If the individual was terminated from his or her work as follows:

(a) If the Department of Economic Opportunity or the Reemployment Assistance Unemployment Appeals Commission finds that the individual was terminated from work for violation of any criminal law, under any jurisdiction, which was in connection with his or her work, and the individual was convicted, or entered a plea of guilty or nolo contendere, the individual is not entitled to reemployment assistance unemployment benefits for up to 52 weeks, pursuant to rules adopted by the department, and until he or she has earned income of at least 17 times his or her weekly benefit amount. If, before an adjudication of guilt, an admission of guilt, or a plea of nolo contendere, the employer proves by competent substantial evidence to the department that the arrest was due to a crime against the employer or the employer's business, customers, or invitees, the individual is not entitled to reemployment assistance unemployment benefits.

(b) If the department or the Reemployment Assistance Unemployment Appeals Commission finds that the individual was terminated from work for any dishonest act in connection with his or her work, the individual is not entitled to reemployment assistance unemployment benefits for up to 52 weeks, pursuant to rules adopted by the department, and until he or she has earned income of at least 17 times his or her weekly benefit amount. If the employer terminates an individual as a result of a dishonest act in connection with his or her work and the department finds misconduct in connection with

his or her work, the individual is not entitled to reemployment assistance unemployment benefits.

If an individual is disqualified for benefits, the account of the terminating employer, if the employer is in the base period, is noncharged at the time the disqualification is imposed.

(10) Subject to the requirements of this subsection, if the claim is made based on the loss of employment as a leased employee for an employee leasing company or as a temporary employee for a temporary help firm.

(b) A temporary or leased employee is deemed to have voluntarily quit employment and is disqualified for benefits under subparagraph (1)(a)1. if, upon conclusion of his or her latest assignment, the temporary or leased employee, without good cause, failed to contact the temporary help or employee-leasing firm for reassignment, if the employer advised the temporary or leased employee at the time of hire and that the leased employee is notified also at the time of separation that he or she must report for reassignment upon conclusion of each assignment, regardless of the duration of the assignment, and that reemployment assistance unemployment benefits may be denied for failure to report. For purposes of this section, the time of hire for a day laborer is upon his or her acceptance of the first assignment following completion of an employment application with the labor pool. The labor pool as defined in s. 448.22(1) must provide notice to the temporary employee upon conclusion of the latest assignment that work is available the next business day and that the temporary employee must report for reassignment the next business day. The notice must be given by means of a notice printed on the paycheck, written notice included in the pay envelope, or other written notification at the conclusion of the current assignment.

(11) If an individual is discharged from employment for drug use as evidenced by a positive, confirmed drug test as provided in paragraph (1)(d), or is rejected for offered employment because of a positive, confirmed drug test as provided in paragraph (2)(c), test results and chain of custody documentation provided to the employer by a licensed and approved drug-testing laboratory is self-authenticating and admissible in reemployment assistance unemployment compensation hearings, and such evidence creates a rebuttable presumption that the individual used, or was using, controlled substances, subject to the following conditions:

(a) To qualify for the presumption described in this subsection, an employer must have implemented a drug-free workplace program under ss. 440.101 and 440.102, and must submit proof that the employer has qualified for the insurance discounts provided under s. 627.0915, as certified by the insurance carrier or self-insurance unit. In lieu of these requirements, an employer who does not fit the definition of "employer" in s. 440.102 may qualify for the presumption if the employer is in compliance with equivalent or more stringent drug-testing standards established by federal law or regulation.

(b) Only laboratories licensed and approved as provided in s. 440.102(9), or as provided by equivalent or more stringent licensing requirements established by federal law or regulation may perform the drug tests.

(c) Disclosure of drug test results and other information pertaining to drug testing of individuals who claim or receive compensation under this chapter shall be governed by s. 443.1715.

Section 8. Paragraph (b) of subsection (1), subsection (2), and paragraph (a) of subsection (5) of section 443.111, Florida Statutes, are amended to read:

443.111 Payment of benefits.—

(1) MANNER OF PAYMENT.—Benefits are payable from the fund in accordance with rules adopted by the Department of Economic Opportunity, subject to the following requirements:

(b) As required under s. 443.091(1), each claimant must report at least biweekly to receive reemployment assistance unemployment benefits and to attest to the fact that she or he is able and available for work, has not refused suitable work, is seeking work and has met the requirements of s. 443.091(d), contacted at least five prospective employers or reported in person to a one-stop career center for reemployment services for each week of unemployment claimed, and, if she or he has worked, to report earnings from that work. Each claimant must continue to report regardless of any appeal or pending appeal relating to her or his eligibility or disqualification for benefits.

(2) QUALIFYING REQUIREMENTS.—To establish a benefit year for reemployment assistance ~~unemployment~~ benefits, an individual must have:

- (a) Wage credits in two or more calendar quarters of the individual's base period.
- (b) Minimum total base period wage credits equal to the high quarter wages multiplied by 1.5, but at least \$3,400 in the base period.

(5) DURATION OF BENEFITS.—

(a) As used in this section, the term "Florida average unemployment rate" means the average of the 3 months for the most recent third calendar year quarter of the seasonally adjusted statewide unemployment rates as published by the Department of Economic Opportunity ~~Agency for Workforce Innovation~~.

Section 9. Section 443.1113, Florida Statutes, is amended to read:

443.1113 Reemployment Assistance ~~Unemployment Compensation~~ Claims and Benefits Information System.—

(1) To the extent that funds are appropriated for each phase of the Reemployment Assistance ~~Unemployment Compensation~~ Claims and Benefits Information System by the Legislature, the Department of Economic Opportunity shall replace and enhance the functionality provided in the following systems with an integrated Internet-based system that is known as the "Reemployment Assistance ~~Unemployment Compensation~~ Claims and Benefits Information System":

- (a) Claims and benefit mainframe system.
- (b) Florida unemployment Internet direct.
- (c) Florida continued claim Internet directory.
- (d) Call center interactive voice response system.
- (e) Benefit overpayment screening system.
- (f) Internet and Intranet appeals system.

(2) The Reemployment Assistance ~~Unemployment Compensation~~ Claims and Benefits System shall accomplish the following main business objectives:

(a) Wherever cost-effective and operationally feasible, eliminate or automate existing paper processes and enhance any existing automated workflows in order to expedite customer transactions and eliminate redundancy.

(b) Enable online, self-service access to claimant and employer information and federal and state reporting.

(c) Integrate benefit payment control with the adjudication program and collection system in order to improve the detection of fraud.

(d) Comply with all requirements established in federal and state law for reemployment assistance ~~unemployment compensation~~.

(e) Integrate with the Department of Revenue's statewide unified tax system that collects reemployment assistance ~~unemployment compensation~~ taxes.

(3) The scope of the Reemployment Assistance ~~Unemployment Compensation~~ Claims and Benefits Information System does not include any of the following functionalities:

- (a) Collection of reemployment assistance ~~unemployment compensation~~ taxes.
- (b) General ledger, financial management, or budgeting capabilities.
- (c) Human resource planning or management capabilities.

(4) The project to implement the Reemployment Assistance ~~Unemployment Compensation~~ Claims and Benefits Information System shall be comprised of the following phases and corresponding implementation timeframes:

(a) No later than the end of fiscal year 2009-2010 completion of the business re-engineering analysis and documentation of both the detailed system requirements and the overall system architecture.

(b) The Reemployment Assistance ~~Unemployment Compensation~~ Claims and Benefits Internet portal that replaces the Florida Unemployment Internet Direct and the Florida Continued Claims Internet Directory systems, the Call Center Interactive Voice Response System, the Benefit Overpayment Screening System, the Internet and Intranet Appeals System, and the Claims and Benefits Mainframe System shall be deployed to full operational status no later than the end of fiscal year 2012-2013.

(5) The Department of Economic Opportunity shall implement the following project governance structure until such time as the project is completed, suspended, or terminated:

(a) The project sponsor for the Reemployment Assistance ~~Unemployment Compensation~~ Claims and Benefits Information System project is the department.

(b) The project shall be governed by an executive steering committee composed of the following voting members or their designees:

1. The executive director of the department.
2. The executive director of the Department of Revenue.
3. The director of the Division of Workforce Services within the department.

4. The program director of the General Tax Administration Program Office within the Department of Revenue.

5. The chief information officer of the department.

(c) The executive steering committee has the overall responsibility for ensuring that the project meets its primary objectives and is specifically responsible for:

1. Providing management direction and support to the project management team.

2. Assessing the project's alignment with the strategic goals of the department for administering the reemployment assistance ~~unemployment compensation~~ program.

3. Reviewing and approving or disapproving any changes to the project's scope, schedule, and costs.

4. Reviewing, approving or disapproving, and determining whether to proceed with any major project deliverables.

5. Recommending suspension or termination of the project to the Governor, the President of the Senate, and the Speaker of the House of Representatives if it determines that the primary objectives cannot be achieved.

(d) The project management team shall work under the direction of the executive steering committee and shall be minimally comprised of senior managers and stakeholders from the department and the Department of Revenue. The project management team is responsible for:

1. Providing daily planning, management, and oversight of the project.

2. Submitting an operational work plan and providing quarterly updates to that plan to the executive steering committee. The plan must specify project milestones, deliverables, and expenditures.

3. Submitting written monthly project status reports to the executive steering committee which include:

- a. Planned versus actual project costs;
- b. An assessment of the status of major milestones and deliverables;
- c. Identification of any issues requiring resolution, the proposed resolution for these issues, and information regarding the status of the resolution;
- d. Identification of risks that must be managed; and
- e. Identification of and recommendations regarding necessary changes in the project's scope, schedule, or costs. All recommendations must be reviewed by project stakeholders before submission to the executive steering committee in order to ensure that the recommendations meet required acceptance criteria.

Section 10. Paragraph (b) of subsection (8) of section 443.1116, Florida Statutes, is amended to read:

443.1116 Short-time compensation.—
(8) EFFECT OF SHORT-TIME COMPENSATION BENEFITS RELATING TO THE PAYMENT OF REGULAR AND EXTENDED BENEFITS.—

(b) An individual who receives all of the short-time compensation or combined reemployment assistance or unemployment compensation and short-time compensation available in a benefit year is considered an exhaustee for purposes of the extended benefits program in s. 443.1115 and, if otherwise eligible under those provisions, is eligible to receive extended benefits.

Section 11. Subsection (3) of section 443.1215, Florida Statutes, is amended to read:

443.1215 Employers.—

(3) An employing unit that fails to keep the records of employment required by this chapter and by the rules of the Department of Economic Opportunity and the state agency providing reemployment assistance ~~unemployment~~ tax collection services is presumed to be an employer liable for the payment of contributions under this chapter, regardless of the number

of individuals employed by the employing unit. However, the tax collection service provider shall make written demand that the employing unit keep and maintain required payroll records. The demand must be made at least 6 months before assessing contributions against an employing unit determined to be an employer that is subject to this chapter solely by reason of this subsection.

Section 12. Paragraphs (a) and (d) of subsection (1), subsections (8) and (12), and paragraphs (f), (h), and (p) of subsection (13) of section 443.1216, Florida Statutes, are amended to read:

443.1216 Employment.—Employment, as defined in s. 443.036, is subject to this chapter under the following conditions:

(1)(a) The employment subject to this chapter includes a service performed, including a service performed in interstate commerce, by:

1. An officer of a corporation.

2. An individual who, under the usual common-law rules applicable in determining the employer-employee relationship, is an employee. However, whenever a client, as defined in s. 443.036(18), which would otherwise be designated as an employing unit has contracted with an employee leasing company to supply it with workers, those workers are considered employees of the employee leasing company. An employee leasing company may lease corporate officers of the client to the client and other workers to the client, except as prohibited by regulations of the Internal Revenue Service. Employees of an employee leasing company must be reported under the employee leasing company's tax identification number and contribution rate for work performed for the employee leasing company.

a. However, except for the internal employees of an employee leasing company, each employee leasing company may make a separate one-time election to report and pay contributions under the tax identification number and contribution rate for each client of the employee leasing company. Under the client method, an employee leasing company choosing this option must assign leased employees to the client company that is leasing the employees. The client method is solely a method to report and pay unemployment contributions and whichever method is chosen, such election may not impact any other aspect of state law. An employee leasing company that elects the client method must pay contributions at the rates assigned to each client company.

(I) The election applies to all of the employee leasing company's current and future clients.

(II) The employee leasing company must notify the Department of Revenue of its election by July 1, 2012, and such election applies to reports and contributions for the first quarter of the following calendar year. The notification must include:

(A) A list of each client company and the unemployment account number or, if one has not yet been issued, the federal employment identification number, as established by the employee leasing company upon the election to file by client method;

(B) A list of each client company's current and previous employees and their respective social security numbers for the prior 3 state fiscal years or, if the client company has not been a client for the prior 3 state fiscal years, such portion of the prior 3 state fiscal years that the client company has been a client must be supplied;

(C) The wage data and benefit charges associated with each client company for the prior 3 state fiscal years or, if the client company has not been a client for the prior 3 state fiscal years, such portion of the prior 3 state fiscal years that the client company has been a client must be supplied. If the client company's employment record is chargeable with benefits for less than 8 calendar quarters while being a client of the employee leasing company, the client company must pay contributions at the initial rate of 2.7 percent; and

(D) The wage data and benefit charges for the prior 3 state fiscal years that cannot be associated with a client company must be reported and charged to the employee leasing company.

(III) Subsequent to choosing the client method, the employee leasing company may not change its reporting method.

(IV) The employee leasing company shall file a Florida Department of Revenue Employer's Quarterly Report for each client company by approved electronic means, and pay all contributions by approved electronic means.

(V) For the purposes of calculating experience rates when the client method is chosen, each client's own benefit charges and wage data

experience while with the employee leasing company determines each client's tax rate where the client has been a client of the employee leasing company for at least 8 calendar quarters before the election. The client company shall continue to report the nonleased employees under its tax rate.

(VI) The election is binding on each client of the employee leasing company, for as long as a written agreement is in effect between the client and the employee leasing company pursuant to s. 468.525(3)(a). If the relationship between the employee leasing company and the client terminates, the client retains the wage and benefit history experienced under the employee leasing company.

(VII) Notwithstanding which election method the employee leasing company chooses, the applicable client company is an employing unit for purposes of s. 443.071. The employee leasing company or any of its officers or agents are liable for any violation of s. 443.071 engaged in by such persons or entities. The applicable client company or any of its officers or agents are liable for any violation of s. 443.071 engaged in by such persons or entities. The employee leasing company or its applicable client company are not liable for any violation of s. 443.071 engaged in by the other party or by the other party's officers or agents.

(VIII) If an employee leasing company fails to select the client method of reporting not later than July 1, 2012, the entity is required to report under the employee leasing company's tax identification number and contribution rate.

(IX) After an employee leasing company is licensed pursuant to part XI of chapter 468, each newly licensed entity has 30 days after the date the license is granted to notify the tax collection service provider in writing of their selection of the client method. A newly licensed employee leasing company that fails to timely select reporting pursuant to the client method of reporting must report under the employee leasing company's tax identification number and contribution rate.

(X) Irrespective of the election, each transfer of trade or business, including workforce, or a portion thereof, between employee leasing companies is subject to the provisions of s. 443.131(3)(g) if, at the time of the transfer, there is common ownership, management, or control between the entities.

b.a. In addition to any other report required to be filed by law, an employee leasing company shall submit a report to the Labor Market Statistics Center within the Department of Economic Opportunity which includes each client establishment and each establishment of the employee leasing company, or as otherwise directed by the department. The report must include the following information for each establishment:

(I) The trade or establishment name;

(II) The former ~~reemployment assistance~~ ~~unemployment compensation~~ account number, if available;

(III) The former federal employer's identification number (~~FEIN~~), if available;

(IV) The industry code recognized and published by the United States Office of Management and Budget, if available;

(V) A description of the client's primary business activity in order to verify or assign an industry code;

(VI) The address of the physical location;

(VII) The number of full-time and part-time employees who worked during, or received pay that was subject to ~~reemployment assistance~~ ~~unemployment compensation~~ taxes for, the pay period including the 12th of the month for each month of the quarter;

(VIII) The total wages subject to ~~reemployment assistance~~ ~~unemployment compensation~~ taxes paid during the calendar quarter;

(IX) An internal identification code to uniquely identify each establishment of each client;

(X) The month and year that the client entered into the contract for services; and

(XI) The month and year that the client terminated the contract for services.

c.b. The report must ~~shall~~ be submitted electronically or in a manner otherwise prescribed by the Department of Economic Opportunity in the format specified by the Bureau of Labor Statistics of the United States Department of Labor for its Multiple Worksite Report for Professional Employer Organizations. The report must be provided quarterly to the Labor

Market Statistics Center within the department, or as otherwise directed by the department, and must be filed by the last day of the month immediately ~~after following~~ the end of the calendar quarter. The information required in sub-sub-paragraphs ~~b.(X) and (XI) a.(X) and (XI)~~ need be provided only in the quarter in which the contract to which it relates was entered into or terminated. The sum of the employment data and the sum of the wage data in this report must match the employment and wages reported in the reemployment assistance ~~unemployment compensation~~ quarterly tax and wage report. A report is not required for any calendar quarter preceding the third calendar quarter of 2010.

~~d.e.~~ The department shall adopt rules as necessary to administer this subparagraph, and may administer, collect, enforce, and waive the penalty imposed by s. 443.141(1)(b) for the report required by this subparagraph.

~~e.d.~~ For the purposes of this subparagraph, the term "establishment" means any location where business is conducted or where services or industrial operations are performed.

3. An individual other than an individual who is an employee under subparagraph 1. or subparagraph 2., who performs services for remuneration for any person:

a. As an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages other than milk, or laundry or drycleaning services for his or her principal.

b. As a traveling or city salesperson engaged on a full-time basis in the solicitation on behalf of, and the transmission to, his or her principal of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in the ~~their~~ business operations. This sub-subparagraph does not apply to an agent-driver or a commission-driver and does not apply to sideline sales activities performed on behalf of a person other than the salesperson's principal.

4. The services described in subparagraph 3. are employment subject to this chapter only if:

a. The contract of service contemplates that substantially all of the services are to be performed personally by the individual;

b. The individual does not have a substantial investment in facilities used in connection with the services, other than facilities used for transportation; and

c. The services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are performed.

(d) If two or more related corporations concurrently employ the same individual and compensate the individual through a common paymaster, each related corporation is considered to have paid wages to the individual only in the amounts actually disbursed by that corporation to the individual and is not considered to have paid the wages actually disbursed to the individual by another of the related corporations. The department and the state agency providing reemployment assistance ~~unemployment~~ tax collection services may adopt rules necessary to administer this paragraph.

1. As used in this paragraph, the term "common paymaster" means a member of a group of related corporations that disburses wages to concurrent employees on behalf of the related corporations and that is responsible for keeping payroll records for those concurrent employees. A common paymaster is not required to disburse wages to all the employees of the related corporations; however, this subparagraph does not apply to wages of concurrent employees which are not disbursed through a common paymaster. A common paymaster must pay concurrently employed individuals under this subparagraph by one combined paycheck.

2. As used in this paragraph, the term "concurrent employment" means the existence of simultaneous employment relationships between an individual and related corporations. Those relationships require the performance of services by the employee for the benefit of the related corporations, including the common paymaster, in exchange for wages that, if deductible for the purposes of federal income tax, are deductible by the related corporations.

3. Corporations are considered related corporations for an entire calendar quarter if they satisfy any one of the following tests at any time during the calendar quarter:

a. The corporations are members of a "controlled group of corporations" as defined in s. 1563 of the Internal Revenue Code of 1986 or would be members if s. 1563(a)(4) and (b) did not apply.

b. In the case of a corporation that does not issue stock, at least 50 percent of the members of the board of directors or other governing body of one corporation are members of the board of directors or other governing body of the other corporation or the holders of at least 50 percent of the voting power to select those members are concurrently the holders of at least 50 percent of the voting power to select those members of the other corporation.

c. At least 50 percent of the officers of one corporation are concurrently officers of the other corporation.

d. At least 30 percent of the employees of one corporation are concurrently employees of the other corporation.

4. The common paymaster must report to the tax collection service provider, as part of the reemployment assistance ~~unemployment compensation~~ quarterly tax and wage report, the state reemployment assistance ~~unemployment compensation~~ account number and name of each related corporation for which concurrent employees are being reported. Failure to timely report this information shall result in the related corporations being denied common paymaster status for that calendar quarter.

5. The common paymaster ~~shall remit also has the primary responsibility for remitting~~ contributions due under this chapter for the wages it disburses as the common paymaster. The common paymaster must compute these contributions as though it were the sole employer of the concurrently employed individuals. If a common paymaster fails to timely remit these contributions or reports, in whole or in part, the common paymaster is ~~remains~~ liable for the full amount of the unpaid portion of these contributions. In addition, each of the other related corporations using the common paymaster is jointly and severally liable for its appropriate share of these contributions. Each related corporation's share equals the greater of:

a. The liability of the common paymaster under this chapter, after taking into account any contributions made.

b. The liability under this chapter which, notwithstanding this section, would have existed for the wages from the other related corporations, reduced by an allocable portion of any contributions previously paid by the common paymaster for those wages.

(8) Services not covered under paragraph (7)(b) which are performed entirely outside of this state, and for which contributions are not required or paid under a reemployment assistance or ~~an~~ unemployment compensation law of any other state or of the Federal Government, are deemed to be employment subject to this chapter if the individual performing the services is a resident of this state and the tax collection service provider approves the election of the employing unit for whom the services are performed, electing that the entire service of the individual is deemed to be employment subject to this chapter.

(12) The employment subject to this chapter includes services covered by a reciprocal arrangement under s. 443.221 between the Department of Economic Opportunity or its tax collection service provider and the agency charged with the administration of another state reemployment assistance or unemployment compensation law or a federal reemployment assistance or unemployment compensation law, under which all services performed by an individual for an employing unit are deemed to be performed entirely within this state, if the department or its tax collection service provider approved an election of the employing unit in which all of the services performed by the individual during the period covered by the election are deemed to be insured work.

(13) The following are exempt from coverage under this chapter:

(f) Service performed in the employ of a public employer as defined in s. 443.036, except as provided in subsection (2), and service performed in the employ of an instrumentality of a public employer as described in s. 443.036(36)(b) or (c) ~~443.036(35)(b) or (c)~~, to the extent that the instrumentality is immune under the United States Constitution from the tax imposed by s. 3301 of the Internal Revenue Code for that service.

(h) Service for which reemployment assistance ~~unemployment compensation~~ is payable under a reemployment assistance or ~~an~~ unemployment compensation system established by the United States Congress, of which this chapter is not a part.

(p) Service covered by an arrangement between the Department of Economic Opportunity, or its tax collection service provider, and the agency charged with the administration of another state or federal reemployment assistance or unemployment compensation law under which all services performed by an individual for an employing unit during the period covered by the employing unit's duly approved election is deemed to be performed entirely within the other agency's state or under the federal law.

Section 13. Effective upon this act becoming a law and operating retroactively to June 29, 2011, paragraph (a) of subsection (2) of section 443.1217, Florida Statutes, is amended to read:

443.1217 Wages.—

(2) For the purpose of determining an employer's contributions, the following wages are exempt from this chapter:

~~(a)1.— Beginning January 1, 2010, that part of remuneration paid to an individual by an employer for employment during a calendar year in excess of the first \$7,000 of remuneration paid to the individual by an employer or his or her predecessor during that calendar year, unless that part of the remuneration is subject to a tax, under a federal law imposing the tax, against which credit may be taken for contributions required to be paid into a state unemployment fund.~~

~~1.2.— Beginning January 1, 2012, that part of remuneration paid to an individual by an employer for employment during a calendar year in excess of the first \$8,000 \$8,500 of remuneration paid to the individual by the employer or his or her predecessor during that calendar year, unless that part of the remuneration is subject to a tax, under a federal law imposing the tax, against which credit may be taken for contributions required to be paid into a state unemployment fund.~~

~~2.3.— Beginning January 1, 2015, the part of remuneration paid to an individual by an employer for employment during a calendar year in excess of the first \$7,000 of remuneration paid to the individual by an employer or his or her predecessor during that calendar year, unless that part of the remuneration is subject to a tax, under a federal law imposing the tax, against which credit may be taken for contributions required to be paid into a state unemployment fund. The wage base exemption adjustment authorized by this subparagraph shall be suspended in any calendar year in which repayment of the principal amount of an advance received from the Unemployment Compensation Trust Fund under 42 U.S.C. s. 1321 is due to the Federal Government.~~

Section 14. Effective upon this act becoming a law and operating retroactively to June 29, 2011, paragraph (e) of subsection (3) of section 443.131, Florida Statutes, is amended to read:

443.131 Contributions.—

(3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT EXPERIENCE.—

(e) *Assignment of variations from the standard rate.*—

1. As used in this paragraph, the terms "total benefit payments," "benefits paid to an individual," and "benefits charged to the employment record of an employer" mean the amount of benefits paid to individuals multiplied by:

- a. For benefits paid prior to July 1, 2007, 1.
- b. For benefits paid during the period beginning on July 1, 2007, and ending March 31, 2011, 0.90.
- c. For benefits paid after March 31, 2011, 1.

2. For the calculation of contribution rates effective January 1, 2012 ~~2010~~, and thereafter:

a. The tax collection service provider shall assign a variation from the standard rate of contributions for each calendar year to each eligible employer. In determining the contribution rate, varying from the standard rate to be assigned each employer, adjustment factors computed under sub-sub-subparagraphs (I)-(IV) are added to the benefit ratio. This addition shall be accomplished in two steps by adding a variable adjustment factor and a final adjustment factor. The sum of these adjustment factors computed under sub-sub-subparagraphs (I)-(IV) shall first be algebraically summed. The sum of these adjustment factors shall next be divided by a gross benefit ratio determined as follows: Total benefit payments for the 3-year period described in subparagraph (b)3. are charged to employers eligible for a variation from the standard rate, minus excess payments for the same period, divided by taxable payroll entering into the computation of individual benefit ratios for the

calendar year for which the contribution rate is being computed. The ratio of the sum of the adjustment factors computed under sub-sub-subparagraphs (I)-(IV) to the gross benefit ratio is multiplied by each individual benefit ratio that is less than the maximum contribution rate to obtain variable adjustment factors; except that if the sum of an employer's individual benefit ratio and variable adjustment factor exceeds the maximum contribution rate, the variable adjustment factor is reduced in order for the sum to equal the maximum contribution rate. The variable adjustment factor for each of these employers is multiplied by his or her taxable payroll entering into the computation of his or her benefit ratio. The sum of these products is divided by the taxable payroll of the employers who entered into the computation of their benefit ratios. The resulting ratio is subtracted from the sum of the adjustment factors computed under sub-sub-subparagraphs (I)-(IV) to obtain the final adjustment factor. The variable adjustment factors and the final adjustment factor must be computed to five decimal places and rounded to the fourth decimal place. This final adjustment factor is added to the variable adjustment factor and benefit ratio of each employer to obtain each employer's contribution rate. An employer's contribution rate may not, however, be rounded to less than 0.1 percent.

(I) An adjustment factor for noncharge benefits is computed to the fifth decimal place and rounded to the fourth decimal place by dividing the amount of noncharge benefits during the 3-year period described in subparagraph (b)3. by the taxable payroll of employers eligible for a variation from the standard rate who have a benefit ratio for the current year which is less than the maximum contribution rate. For purposes of computing this adjustment factor, the taxable payroll of these employers is the taxable payrolls for the 3 years ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of the same calendar year. As used in this sub-sub-subparagraph, the term "noncharge benefits" means benefits paid to an individual from the Unemployment Compensation Trust Fund, but which were not charged to the employment record of any employer.

(II) An adjustment factor for excess payments is computed to the fifth decimal place, and rounded to the fourth decimal place by dividing the total excess payments during the 3-year period described in subparagraph (b)3. by the taxable payroll of employers eligible for a variation from the standard rate who have a benefit ratio for the current year which is less than the maximum contribution rate. For purposes of computing this adjustment factor, the taxable payroll of these employers is the same figure used to compute the adjustment factor for noncharge benefits under sub-sub-subparagraph (I). As used in this sub-sub-subparagraph, the term "excess payments" means the amount of benefits charged to the employment record of an employer during the 3-year period described in subparagraph (b)3., less the product of the maximum contribution rate and the employer's taxable payroll for the 3 years ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of the same calendar year. As used in this sub-sub-subparagraph, the term "total excess payments" means the sum of the individual employer excess payments for those employers that were eligible for assignment of a contribution rate different from the standard rate.

(III) With respect to computing a positive adjustment factor:

(A) Beginning January 1, 2012, if the balance of the Unemployment Compensation Trust Fund on September 30 of the calendar year immediately preceding the calendar year for which the contribution rate is being computed is less than 4 percent of the taxable payrolls for the year ending June 30 as reported to the tax collection service provider by September 30 of that calendar year, a positive adjustment factor shall be computed. The positive adjustment factor is computed annually to the fifth decimal place and rounded to the fourth decimal place by dividing the sum of the total taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year into a sum equal to ~~one-fifth~~ ~~one-third~~ of the difference between the balance of the fund as of September 30 of that calendar year and the sum of 5 percent of the total taxable payrolls for that year. The positive adjustment factor remains in effect for subsequent years until the balance of the Unemployment Compensation Trust Fund as of September 30 of the year immediately preceding the effective date of the contribution rate equals or exceeds ~~4~~ 5 percent of the taxable payrolls for the year ending June 30 of the current

calendar year as reported to the tax collection service provider by September 30 of that calendar year.

(B) Beginning January 1, ~~2018~~ 2015, and for each year thereafter, the positive adjustment shall be computed by dividing the sum of the total taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year into a sum equal to one-fourth of the difference between the balance of the fund as of September 30 of that calendar year and the sum of 5 percent of the total taxable payrolls for that year. The positive adjustment factor remains in effect for subsequent years until the balance of the Unemployment Compensation Trust Fund as of September 30 of the year immediately preceding the effective date of the contribution rate equals or exceeds 4 percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year.

(IV) If, beginning January 1, 2015, and each year thereafter, the balance of the Unemployment Compensation Trust Fund as of September 30 of the year immediately preceding the calendar year for which the contribution rate is being computed exceeds 5 percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year, a negative adjustment factor must be computed. The negative adjustment factor shall be computed annually beginning on January 1, 2015, and each year thereafter, to the fifth decimal place and rounded to the fourth decimal place by dividing the sum of the total taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of the calendar year into a sum equal to one-fourth of the difference between the balance of the fund as of September 30 of the current calendar year and 5 percent of the total taxable payrolls of that year. The negative adjustment factor remains in effect for subsequent years until the balance of the Unemployment Compensation Trust Fund as of September 30 of the year immediately preceding the effective date of the contribution rate is less than 5 percent, but more than 4 percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year. The negative adjustment authorized by this section is suspended in any calendar year in which repayment of the principal amount of an advance received from the federal Unemployment Compensation Trust Fund under 42 U.S.C. s. 1321 is due to the Federal Government.

(V) The maximum contribution rate that may be assigned to an employer is 5.4 percent, except employers participating in an approved short-time compensation plan may be assigned a maximum contribution rate that is 1 percent greater than the maximum contribution rate for other employers in any calendar year in which short-time compensation benefits are charged to the employer's employment record.

(VI) As used in this subsection, "taxable payroll" shall be determined by excluding any part of the remuneration paid to an individual by an employer for employment during a calendar year in excess of the first \$7,000. Beginning January 1, 2012, "taxable payroll" shall be determined by excluding any part of the remuneration paid to an individual by an employer for employment during a calendar year as described in s. 443.1217(2). For the purposes of the employer rate calculation that will take effect in January 1, 2012, and in January 1, 2013, the tax collection service provider shall use the data available for taxable payroll from 2009 based on excluding any part of the remuneration paid to an individual by an employer for employment during a calendar year in excess of the first \$7,000, and from 2010 and 2011, the data available for taxable payroll based on excluding any part of the remuneration paid to an individual by an employer for employment during a calendar year in excess of the first \$8,500.

b. If the transfer of an employer's employment record to an employing unit under paragraph (f) which, before the transfer, was an employer, the tax collection service provider shall recompute a benefit ratio for the successor employer based on the combined employment records and reassign an appropriate contribution rate to the successor employer effective on the first day of the calendar quarter immediately after the effective date of the transfer.

Section 15. Paragraph (a) and (f) of subsection (3) of section 443.131, Florida Statutes, are amended to read:

443.131 Contributions.—

(3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT EXPERIENCE.—

(a) *Employment records.*—The regular and short-time compensation benefits paid to an eligible individual shall be charged to the employment record of each employer who paid the individual wages of at least \$100 during the individual's base period in proportion to the total wages paid by all employers who paid the individual wages during the individual's base period. Benefits may not be charged to the employment record of an employer who furnishes part-time work to an individual who, because of loss of employment with one or more other employers, is eligible for partial benefits while being furnished part-time work by the employer on substantially the same basis and in substantially the same amount as the individual's employment during his or her base period, regardless of whether this part-time work is simultaneous or successive to the individual's lost employment. Further, as provided in s. 443.151(3), benefits may not be charged to the employment record of an employer who furnishes the Department of Economic Opportunity with notice, as prescribed in rules of the department, that any of the following apply:

1. If an individual leaves his or her work without good cause attributable to the employer or is discharged by the employer for misconduct connected with his or her work, benefits subsequently paid to the individual based on wages paid by the employer before the separation may not be charged to the employment record of the employer.

2. If an individual is discharged by the employer for unsatisfactory performance during an initial employment probationary period, benefits subsequently paid to the individual based on wages paid during the probationary period by the employer before the separation may not be charged to the employer's employment record. As used in this subparagraph, the term "initial employment probationary period" means an established probationary plan that applies to all employees or a specific group of employees and that does not exceed 90 calendar days following the first day a new employee begins work. The employee must be informed of the probationary period within the first 7 days of work. The employer must demonstrate by conclusive evidence that the individual was separated because of unsatisfactory work performance and not because of lack of work due to temporary, seasonal, casual, or other similar employment that is not of a regular, permanent, and year-round nature.

3. Benefits subsequently paid to an individual after his or her refusal without good cause to accept suitable work from an employer may not be charged to the employment record of the employer if any part of those benefits are based on wages paid by the employer before the individual's refusal to accept suitable work. As used in this subparagraph, the term "good cause" does not include distance to employment caused by a change of residence by the individual. The department shall adopt rules prescribing for the payment of all benefits whether this subparagraph applies regardless of whether a disqualification under s. 443.101 applies to the claim.

4. If an individual is separated from work as a direct result of a natural disaster declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. ss. 5121 et seq., benefits subsequently paid to the individual based on wages paid by the employer before the separation may not be charged to the employment record of the employer.

5. If an individual is separated from work as a direct result of an oil spill, terrorist attack, or other similar disaster of national significance not subject to a declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, benefits subsequently paid to the individual based on wages paid by the employer before the separation may not be charged to the employment record of the employer.

(f) *Transfer of employment records.*—

1. For the purposes of this subsection, two or more employers who are parties to a transfer of business or the subject of a merger, consolidation, or other form of reorganization, effecting a change in legal identity or form, are deemed a single employer and are considered to be one employer with a continuous employment record if the tax collection service provider finds that the successor employer continues to carry on the employing enterprises of all of the predecessor employers and that the successor employer has paid all contributions required of and due from all of the predecessor employers and

has assumed liability for all contributions that may become due from all of the predecessor employers. In addition, an employer may not be considered a successor under this subparagraph if the employer purchases a company with a lower rate into which employees with job functions unrelated to the business endeavors of the predecessor are transferred for the purpose of acquiring the low rate and avoiding payment of contributions. As used in this paragraph, notwithstanding s. 443.036(14), the term "contributions" means all indebtedness to the tax collection service provider, including, but not limited to, interest, penalty, collection fee, and service fee. A successor employer must accept the transfer of all of the predecessor employers' employment records within 30 days after the date of the official notification of liability by succession. If a predecessor employer has unpaid contributions or outstanding quarterly reports, the successor employer must pay the total amount with certified funds within 30 days after the date of the notice listing the total amount due. After the total indebtedness is paid, the tax collection service provider shall transfer the employment records of all of the predecessor employers to the successor employer's employment record. The tax collection service provider shall determine the contribution rate of the combined successor and predecessor employers upon the transfer of the employment records, as prescribed by rule, in order to calculate any change in the contribution rate resulting from the transfer of the employment records.

2. Regardless of whether a predecessor employer's employment record is transferred to a successor employer under this paragraph, the tax collection service provider shall treat the predecessor employer, if he or she subsequently employs individuals, as an employer without a previous employment record or, if his or her coverage is terminated under s. 443.121, as a new employing unit.

3. The state agency providing reemployment assistance ~~unemployment~~ tax collection services may adopt rules governing the partial transfer of experience rating when an employer transfers an identifiable and segregable portion of his or her payrolls and business to a successor employing unit. As a condition of each partial transfer, these rules must require the following to be filed with the tax collection service provider: an application by the successor employing unit, an agreement by the predecessor employer, and the evidence required by the tax collection service provider to show the benefit experience and payrolls attributable to the transferred portion through the date of the transfer. These rules must provide that the successor employing unit, if not an employer subject to this chapter, becomes an employer as of the date of the transfer and that the transferred portion of the predecessor employer's employment record is removed from the employment record of the predecessor employer. For each calendar year after the date of the transfer of the employment record in the records of the tax collection service provider, the service provider shall compute the contribution rate payable by the successor employer or employing unit based on his or her employment record, combined with the transferred portion of the predecessor employer's employment record. These rules may also prescribe what contribution rates are payable by the predecessor and successor employers for the period between the date of the transfer of the transferred portion of the predecessor employer's employment record in the records of the tax collection service provider and the first day of the next calendar year.

4. This paragraph does not apply to an employee leasing company and client contractual agreement as defined in s. 443.036, except as provided in s. 443.1216(1)(a)2.a. The tax collection service provider shall, if the contractual agreement is terminated or the employee leasing company fails to submit reports or pay contributions as required by the service provider, treat the client as a new employer without previous employment record unless the client is otherwise eligible for a variation from the standard rate.

Section 16. Paragraph (d) of subsection (2) of section 443.1312, Florida Statutes, is amended to read:

443.1312 Reimbursements; nonprofit organizations.—Benefits paid to employees of nonprofit organizations shall be financed in accordance with this section.

(2) **LIABILITY FOR CONTRIBUTIONS AND ELECTION OF REIMBURSEMENT.**—A nonprofit organization that is, or becomes, subject to this chapter under s. 443.1215(1)(c) or s. 443.121(3)(a) must pay contributions under s. 443.131 unless it elects, in accordance with this subsection, to reimburse the Unemployment Compensation Trust Fund for all

of the regular benefits, short-time compensation benefits, and one-half of the extended benefits paid, which are attributable to service in the employ of the nonprofit organization, to individuals for weeks of unemployment which begin during the effective period of the election.

(d) In accordance with rules adopted by the Department of Economic Opportunity or the state agency providing reemployment assistance ~~unemployment~~ tax collection services, the tax collection service provider shall notify each nonprofit organization of any determination of the organization's status as an employer, the effective date of any election the organization makes, and the effective date of any termination of the election. Each determination is subject to reconsideration, appeal, and review under s. 443.141(2)(c).

Section 17. Subsection (3) and paragraph (a) of subsection (4) of section 443.1313, Florida Statutes, are amended to read:

443.1313 Public employers; reimbursements; election to pay contributions.—Benefits paid to employees of a public employer, as defined in s. 443.036, based on service described in s. 443.1216(2) shall be financed in accordance with this section.

(3) **CHANGE OF ELECTION.**—Upon electing to be a reimbursing or contributing employer under this section, a public employer may not change this election for at least 2 calendar years. This subsection does not prevent a public employer subject to this subsection from changing its election after completing 2 calendar years under another financing method if the new election is timely filed. The state agency providing reemployment assistance ~~unemployment~~ tax collection services may adopt rules prescribing procedures for changing methods of reporting.

(4) **PUBLIC EMPLOYERS REEMPLOYMENT ASSISTANCE UNEMPLOYMENT COMPENSATION BENEFIT ACCOUNT.**—

(a) There is established within the Unemployment Compensation Trust Fund a Public Employers Reemployment Assistance ~~Unemployment Compensation~~ Benefit Account, which must be maintained as a separate account within the trust fund. All benefits paid to the employees of a public employer that elects to become a contributing employer under paragraph (b) must be charged to the Public Employers Unemployment Compensation Benefit Account.

Section 18. Subsection (7) of section 443.1315, Florida Statutes, is amended to read:

443.1315 Treatment of Indian tribes.—

(7) The Department of Economic Opportunity and the state agency providing reemployment assistance ~~unemployment~~ tax collection services shall adopt rules necessary to administer this section.

Section 19. Section 443.1316, Florida Statutes, is amended to read:

443.1316 Reemployment assistance ~~Unemployment~~ tax collection services; interagency agreement.—

(1) The Department of Economic Opportunity shall contract with the Department of Revenue, through an interagency agreement, to perform the duties of the tax collection service provider and provide other reemployment assistance ~~unemployment~~ tax collection services under this chapter. Under the interagency agreement, the tax collection service provider may only implement:

(a) The provisions of this chapter conferring duties upon the tax collection service provider.

(b) The provisions of law conferring duties upon the department which are specifically delegated to the tax collection service provider in the interagency agreement.

(2)(a) The Department of Revenue is considered to be administering a revenue law of this state when the department implements this chapter, or otherwise provides reemployment assistance ~~unemployment~~ tax collection services, under contract with the department through the interagency agreement.

(b) Sections 213.015(1)-(3), (5)-(7), (9)-(19), and (21); 213.018; 213.025; 213.051; 213.053; 213.0532; 213.0535; 213.055; 213.071; 213.10; 213.21(4); 213.2201; 213.23; 213.24; 213.25; 213.27; 213.28; 213.285; 213.34(1), (3), and (4); 213.37; 213.50; 213.67; 213.69; 213.692; 213.73; 213.733; 213.74; and 213.757 apply to the collection of reemployment assistance ~~unemployment~~ contributions and reimbursements by the Department of Revenue unless prohibited by federal law.

Section 20. Paragraph (a) of subsection (1) and subsections (2) and (3) of section 443.1317, Florida Statutes, are amended to read:

443.1317 Rulemaking authority; enforcement of rules.—

(1) DEPARTMENT OF ECONOMIC OPPORTUNITY.—

(a) Except as otherwise provided in s. 443.012, the Department of Economic Opportunity has ultimate authority over the administration of the Reemployment Assistance Unemployment Compensation Program.

(2) TAX COLLECTION SERVICE PROVIDER.—The state agency providing reemployment assistance unemployment tax collection services under contract with the Department of Economic Opportunity through an interagency agreement pursuant to s. 443.1316 may adopt rules under ss. 120.536(1) and 120.54, subject to approval by the department, to administer the provisions of law described in s. 443.1316(1)(a) and (b) which are within this chapter. These rules must not conflict with the rules adopted by the department or with the interagency agreement.

(3) ENFORCEMENT OF RULES.—The Department of Economic Opportunity may enforce any rule adopted by the state agency providing reemployment assistance unemployment tax collection services to administer this chapter. The tax collection service provider may enforce any rule adopted by the department to administer the provisions of law described in s. 443.1316(1)(a) and (b).

Section 21. Paragraphs (b) and (g) of subsection (1), paragraph (c) of subsection (2), and paragraphs (c) and (e) of subsection (4) of section 443.141, Florida Statutes, are amended to read:

443.141 Collection of contributions and reimbursements.—

(1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT, ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—

(b) *Penalty for delinquent, erroneous, incomplete, or insufficient reports.*—

1. An employing unit that fails to file any report required by the Department of Economic Opportunity or its tax collection service provider, in accordance with rules for administering this chapter, shall pay to the service provider for each delinquent report the sum of \$25 for each 30 days or fraction thereof that the employing unit is delinquent, unless the department agency or its service provider, whichever required the report, finds that the employing unit has good reason for failing to file the report. The department or its service provider may assess penalties only through the date of the issuance of the final assessment notice. However, additional penalties accrue if the delinquent report is subsequently filed.

2.a. An employing unit that files an erroneous, incomplete, or insufficient report with the department or its tax collection service provider shall pay a penalty. The amount of the penalty is \$50 or 10 percent of any tax due, whichever is greater, but no more than \$300 per report. The penalty shall be added to any tax, penalty, or interest otherwise due.

b. The department or its tax collection service provider shall waive the penalty if the employing unit files an accurate, complete, and sufficient report within 30 days after a penalty notice is issued to the employing unit. The penalty may not be waived pursuant to this subparagraph more than one time during a 12-month period.

c. As used in this subsection, the term "erroneous, incomplete, or insufficient report" means a report so lacking in information, completeness, or arrangement that the report cannot be readily understood, verified, or reviewed. Such reports include, but are not limited to, reports having missing wage or employee information, missing or incorrect social security numbers, or illegible entries; reports submitted in a format that is not approved by the department or its tax collection service provider; and reports showing gross wages that do not equal the total of the wages of each employee. However, the term does not include a report that merely contains inaccurate data that was supplied to the employer by the employee, if the employer was unaware of the inaccuracy.

3. Penalties imposed pursuant to this paragraph shall be deposited in the Special Employment Security Administration Trust Fund.

4. The penalty and interest for a delinquent, erroneous, incomplete, or insufficient report may be waived if the penalty or interest is inequitable. The provisions of s. 213.24(1) apply to any penalty or interest that is imposed under this section.

(g) *Adoption of rules.*—The department and the state agency providing reemployment assistance unemployment tax collection services may adopt rules to administer this subsection.

(2) REPORTS, CONTRIBUTIONS, APPEALS.—

(c) *Appeals.*—The department and the state agency providing reemployment assistance unemployment tax collection services shall adopt rules prescribing the procedures for an employing unit determined to be an employer to file an appeal and be afforded an opportunity for a hearing on the determination. Pending a hearing, the employing unit must file reports and pay contributions in accordance with s. 443.131.

(4) MISCELLANEOUS PROVISIONS FOR COLLECTION OF CONTRIBUTIONS AND REIMBURSEMENTS.—

(c) Any agent or employee designated by the Department of Economic Opportunity or its tax collection service provider may administer an oath to any person for any return or report required by this chapter or by the rules of the department or the state agency providing reemployment assistance unemployment tax collection services, and an oath made before the department or its service provider or any authorized agent or employee has the same effect as an oath made before any judicial officer or notary public of the state.

(e) The tax collection service provider may commence an action in any other state to collect reemployment assistance unemployment compensation contributions, reimbursements, penalties, and interest legally due this state. The officials of other states that extend a like comity to this state may sue for the collection of contributions, reimbursements, interest, and penalties in the courts of this state. The courts of this state shall recognize and enforce liability for contributions, reimbursements, interest, and penalties imposed by other states that extend a like comity to this state.

Section 22. Paragraph (b) of subsection (1), paragraph (b) of subsection (2), paragraph (c) of subsection (3), and paragraphs (a) and (b) of subsection (6) of section 443.151, Florida Statutes, are amended to read:

443.151 Procedure concerning claims.—

(1) POSTING OF INFORMATION.—

(b)1. The department shall advise each individual filing a new claim for reemployment assistance unemployment compensation, at the time of filing the claim, that:

a. Reemployment assistance unemployment compensation is subject to federal income tax.

b. Requirements exist pertaining to estimated tax payments.

c. The individual may elect to have federal income tax deducted and withheld from the individual's payment of reemployment assistance unemployment compensation at the amount specified in the federal Internal Revenue Code.

d. The individual is not permitted to change a previously elected withholding status more than twice per calendar year.

2. Amounts deducted and withheld from reemployment assistance unemployment compensation must remain in the Unemployment Compensation Trust Fund until transferred to the federal taxing authority as payment of income tax.

3. The department shall follow all procedures specified by the United States Department of Labor and the federal Internal Revenue Service pertaining to the deducting and withholding of income tax.

4. If more than one authorized request for deduction and withholding is made, amounts must be deducted and withheld in accordance with the following priorities:

a. Reemployment assistance Unemployment overpayments have first priority;

b. Child support payments have second priority; and

c. Withholding under this subsection has third priority.

(2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF CLAIMANTS AND EMPLOYERS.—

(b) *Process.*—When the Reemployment Assistance Unemployment Compensation Claims and Benefits Information System described in s. 443.1113 is fully operational, the process for filing claims must incorporate the process for registering for work with the workforce information systems established pursuant to s. 445.011. A claim for benefits may not be processed until the work registration requirement is satisfied. The department may adopt

rules as necessary to administer the work registration requirement set forth in this paragraph.

(3) DETERMINATION OF ELIGIBILITY.—

(c) *Nonmonetary determinations.*—If the department receives information that may result in a denial of benefits, the department must complete an investigation of the claim required by subsection (2) and provide notice of a nonmonetary determination to the claimant and the employer from whom the claimant's reason for separation affects his or her entitlement to benefits. The determination must state the reason for the determination and whether the reemployment assistance ~~unemployment~~ tax account of the contributing employer is charged for benefits paid on the claim. The nonmonetary determination is final unless within 20 days after the mailing of the notices to the parties' last known addresses, or in lieu of mailing, within 20 days after the delivery of the notices, an appeal or written request for reconsideration is filed by the claimant or other party entitled to notice. The department may adopt rules as necessary to implement the processes described in this paragraph relating to notices of nonmonetary determination and the appeals or reconsideration requests filed in response to such notices, and may adopt rules prescribing the manner and procedure by which employers within the base period of a claimant become entitled to notice of nonmonetary determination.

(6) RECOVERY AND RECOUPMENT.—

(a) Any person who, by reason of her or his fraud, receives benefits under this chapter to which she or he is not entitled is liable for repaying those benefits to the Department of Economic Opportunity on behalf of the trust fund or, in the discretion of the department, to have those benefits deducted from future benefits payable to her or him under this chapter. To enforce this paragraph, the department must find the existence of fraud through a redetermination or decision under this section within 2 years after the fraud was committed. Any recovery or recoupment of benefits must be commenced ~~effected~~ within 7 1/2 years after the redetermination or decision.

(b) Any person who, by reason other than her or his fraud, receives benefits under this chapter to which, under a redetermination or decision pursuant to this section, she or he is not entitled, is liable for repaying those benefits to the department on behalf of the trust fund or, in the discretion of the department, to have those benefits deducted from any future benefits payable to her or him under this chapter. Any recovery or recoupment of benefits must be commenced ~~effected~~ within 7 1/2 years after the redetermination or decision.

Section 23. Subsection (1) and paragraph (c) of subsection (3) of section 443.163, Florida Statutes, are amended to read:

443.163 Electronic reporting and remitting of contributions and reimbursements.—

(1) An employer may file any report and remit any contributions or reimbursements required under this chapter by electronic means. The Department of Economic Opportunity or the state agency providing reemployment assistance ~~unemployment~~ tax collection services shall adopt rules prescribing the format and instructions necessary for electronically filing reports and remitting contributions and reimbursements to ensure a full collection of contributions and reimbursements due. The acceptable method of transfer, the method, form, and content of the electronic means, and the method, if any, by which the employer will be provided with an acknowledgment shall be prescribed by the department or its tax collection service provider. However, any employer who employed 10 or more employees in any quarter during the preceding state fiscal year must file the Employers Quarterly Reports (UCT-6) for the current calendar year and remit the contributions and reimbursements due by electronic means approved by the tax collection service provider. A person who prepared and reported for 100 or more employers in any quarter during the preceding state fiscal year must file the Employers Quarterly Reports (UCT-6) for each calendar quarter in the current calendar year, beginning with reports due for the second calendar quarter of 2003, by electronic means approved by the tax collection service provider.

(3) The tax collection service provider may waive the requirement to file an Employers Quarterly Report (UCT-6) by electronic means for employers that are unable to comply despite good faith efforts or due to circumstances beyond the employer's reasonable control.

(c) The department or the state agency providing reemployment assistance ~~unemployment~~ tax collection services may establish by rule the length of time a waiver is valid and may determine whether subsequent waivers will be authorized, based on this subsection.

Section 24. Subsections (2) and (5) and paragraphs (a) and (c) of subsection (9) of section 443.171, Florida Statutes, are amended to read:

443.171 Department of Economic Opportunity and commission; powers and duties; records and reports; proceedings; state-federal cooperation.—

(2) PUBLICATION OF ACTS AND RULES.—The Department of Economic Opportunity shall cause to be printed and distributed to the public, or otherwise distributed to the public through the Internet or similar electronic means, the text of this chapter and of the rules for administering this chapter adopted by the department or the state agency providing reemployment assistance ~~unemployment~~ tax collection services and any other matter relevant and suitable. The department shall furnish this information to any person upon request. However, any pamphlet, rules, circulars, or reports required by this chapter may not contain any matter except the actual data necessary to complete them or the actual language of the rule, together with the proper notices.

(5) RECORDS AND REPORTS.—Each employing unit shall keep true and accurate work records, containing the information required by the Department of Economic Opportunity or its tax collection service provider. These records must be open to inspection and are subject to being copied by the department or its tax collection service provider at any reasonable time and as often as necessary. The department or its tax collection service provider may require from any employing unit any sworn or unsworn reports, for persons employed by the employing unit, necessary for the effective administration of this chapter. However, a state or local governmental agency performing intelligence or counterintelligence functions need not report an employee if the head of that agency determines that reporting the employee could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission. ~~Information revealing the employing unit's or individual's identity obtained from the employing unit or from any individual through the administration of this chapter, is, except to the extent necessary for the proper presentation of a claim or upon written authorization of the claimant who has a workers' compensation claim pending, confidential and exempt from s. 119.07(1). This confidential information is available only to public employees in the performance of their public duties. Any claimant, or the claimant's legal representative, at a hearing before an appeals referee or the commission must be supplied with information from these records to the extent necessary for the proper presentation of her or his claim. Any employee or member of the commission, any employee of the department or its tax collection service provider, or any other person receiving confidential information who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. However, the department or its tax collection service provider may furnish to any employer copies of any report previously submitted by that employer, upon the request of the employer. The department or its tax collection service provider may charge a reasonable fee for copies of reports, which may not exceed the actual reasonable cost of the preparation of the copies as prescribed by rules adopted by the department or the state agency providing tax collection services. Fees received by the department or its tax collection service provider for copies furnished under this subsection must be deposited in the Employment Security Administration Trust Fund.~~

(9) STATE-FEDERAL COOPERATION.—

(a)1. In the administration of this chapter, the Department of Economic Opportunity and its tax collection service provider shall cooperate with the United States Department of Labor to the fullest extent consistent with this chapter and shall take those actions, through the adoption of appropriate rules, administrative methods, and standards, necessary to secure for this state all advantages available under the provisions of federal law relating to reemployment assistance ~~unemployment compensation~~.

2. In the administration of the provisions in s. 443.1115, which are enacted to conform with the Federal-State Extended Unemployment Compensation Act of 1970, the department shall take those actions necessary to ensure that those provisions are interpreted and applied to meet the requirements of the federal act as interpreted by the United States Department of Labor and to

secure for this state the full reimbursement of the federal share of extended benefits paid under this chapter which is reimbursable under the federal act.

3. The department and its tax collection service provider shall comply with the regulations of the United States Department of Labor relating to the receipt or expenditure by this state of funds granted under federal law; shall submit the reports in the form and containing the information the United States Department of Labor requires; and shall comply with directions of the United States Department of Labor necessary to assure the correctness and verification of these reports.

(c) The department and its tax collection service provider shall cooperate with the agencies of other states, and shall make every proper effort within their means, to oppose and prevent any further action leading to the complete or substantial federalization of state ~~reemployment assistance unemployment compensation~~ funds or state employment security programs. The department and its tax collection service provider may make, and may cooperate with other appropriate agencies in making, studies as to the practicability and probable cost of possible new state-administered social security programs and the relative desirability of state, rather than federal, action in that field of study.

Section 25. Subsections (1) and (2) of section 443.1715, Florida Statutes, are amended to read:

443.1715 Disclosure of information; confidentiality.—

(1) RECORDS AND REPORTS.—Information revealing an employing unit's or individual's identity obtained from the employing unit or any individual under the administration of this chapter, and any determination revealing that information, ~~except to the extent necessary for the proper presentation of a claim or upon written authorization of the claimant who has a workers' compensation claim pending or is receiving compensation benefits,~~ is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This confidential information may be released in accordance with the provisions in 20 C.F.R. part 603 only to public employees in the performance of their public duties. Except as otherwise provided by law, public employees receiving this confidential information must maintain the confidentiality of the information. Any claimant, or the claimant's legal representative, at a hearing before an appeals referee or the commission is entitled to information from these records to the extent necessary for the proper presentation of her or his claim. A person receiving confidential information who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. The Department of Economic Opportunity or its tax collection service provider may, however, furnish to any employer copies of any report submitted by that employer upon the request of the employer and may furnish to any claimant copies of any report submitted by that claimant upon the request of the claimant. The department or its tax collection service provider may charge a reasonable fee for copies of these reports as prescribed by rule, which may not exceed the actual reasonable cost of the preparation of the copies. Fees received for copies under this subsection must be deposited in the Employment Security Administration Trust Fund.

(2) DISCLOSURE OF INFORMATION.—

(a) Subject to restrictions the Department of Economic Opportunity or the state agency providing ~~reemployment assistance unemployment~~ tax collection services adopts by rule, information declared confidential under this section is available to any agency of this or any other state, or any federal agency, charged with the administration of any reemployment assistance or unemployment compensation law or the maintenance of the one-stop delivery system, or the Bureau of Internal Revenue of the United States Department of the Treasury, or the Florida Department of Revenue. Information obtained in connection with the administration of the one-stop delivery system may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a job-preparatory or career education or training program. The department shall, on a quarterly basis, furnish the National Directory of New Hires with information concerning the wages and reemployment assistance unemployment benefits paid to individuals, by the dates, in the format, and containing the information specified in the regulations of the United States Secretary of Health and Human Services. Upon request, the department shall furnish any agency of the United States charged with the administration of

public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation, and employment status of each recipient of benefits and the recipient's rights to further benefits under this chapter. Except as otherwise provided by law, the receiving agency must retain the confidentiality of this information as provided in this section. The tax collection service provider may request the Comptroller of the Currency of the United States to examine the correctness of any return or report of any national banking association rendered under this chapter and may in connection with that request transmit any report or return for examination to the Comptroller of the Currency of the United States as provided in s. 3305(c) of the federal Internal Revenue Code.

(b) The employer or the employer's workers' compensation carrier against whom a claim for benefits under chapter 440 has been made, or a representative of either, may request from the department records of wages of the employee reported to the department by any employer for the quarter that includes the date of the accident that is the subject of such claim and for subsequent quarters.

1. The request must be made with the authorization or consent of the employee or any employer who paid wages to the employee after the date of the accident.

2. The employer or carrier shall make the request on a form prescribed by rule for such purpose by the department agency. Such form shall contain a certification by the requesting party that it is a party entitled to the information requested.

3. The department shall provide the most current information readily available within 15 days after receiving the request.

Section 26. Subsections (1), (4), (5), (6), and (7) and paragraph (c) of subsection (2) of section 443.17161, Florida Statutes, are amended to read:

443.17161 Authorized electronic access to employer information.—

(1) Notwithstanding any other provision of this chapter, the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ shall contract with one or more consumer reporting agencies to provide users with secured electronic access to employer-provided information relating to the quarterly wages report submitted in accordance with the state's reemployment assistance unemployment compensation law. The access is limited to the wage reports for the appropriate amount of time for the purpose the information is requested.

(2) Users must obtain consent in writing or by electronic signature from an applicant for credit, employment, or other permitted purposes. Any written or electronic signature consent from an applicant must be signed and must include the following:

(c) Notice that the files of the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ or its tax collection service provider containing information concerning wage and employment history which is submitted by the applicant or his or her employers may be accessed; and

(4) If a consumer reporting agency or user violates this section, the ~~Department of Economic Opportunity Agency for Workforce Innovation~~ shall, upon 30 days' written notice to the consumer reporting agency, terminate the contract established between the ~~department Agency for Workforce Innovation~~ and the consumer reporting agency or require the consumer reporting agency to terminate the contract established between the consumer reporting agency and the user under this section.

(5) The ~~Department of Economic Opportunity Agency for Workforce Innovation~~ shall establish minimum audit, security, net worth, and liability insurance standards, technical requirements, and any other terms and conditions considered necessary in the discretion of the state agency to safeguard the confidentiality of the information released under this section and to otherwise serve the public interest. The ~~department Agency for Workforce Innovation~~ shall also include, in coordination with any necessary state agencies, necessary audit procedures to ensure that these rules are followed.

(6) In contracting with one or more consumer reporting agencies under this section, any revenues generated by the contract must be used to pay the entire cost of providing access to the information. Further, in accordance with federal regulations, any additional revenues generated by the Department of Economic Opportunity Agency for Workforce Innovation or the state under this section must be paid into the Administrative Trust Fund of the

~~department Agency for Workforce Innovation~~ for the administration of the unemployment compensation system or be used as program income.

(7) The ~~Department of Economic Opportunity Agency for Workforce Innovation~~ may not provide wage and employment history information to any consumer reporting agency before the consumer reporting agency or agencies under contract with the ~~department Agency for Workforce Innovation~~ pay all development and other startup costs incurred by the state in connection with the design, installation, and administration of technological systems and procedures for the electronic access program.

Section 27. Subsection (2) of section 443.181, Florida Statutes, is amended to read:

443.181 Public employment service.—

(2) All funds received by this state under 29 U.S.C. ss. 49-49I-1 must be paid into the Employment Security Administration Trust Fund, and these funds are available to the Department of Economic Opportunity for expenditure as provided by this chapter or by federal law. For the purpose of establishing and maintaining one-stop career centers, the department may enter into agreements with the Railroad Retirement Board or any other agency of the United States charged with the administration of a reemployment assistance or an unemployment compensation law, with any political subdivision of this state, or with any private, nonprofit organization. As a part of any such agreement, the department may accept moneys, services, or quarters as a contribution to the Employment Security Administration Trust Fund.

Section 28. Subsection (6) of section 443.191, Florida Statutes, is amended to read:

443.191 Unemployment Compensation Trust Fund; establishment and control.—

(6) TRUST FUND SOLE SOURCE FOR BENEFITS.—The Unemployment Compensation Trust Fund is the sole and exclusive source for paying reemployment assistance ~~unemployment~~ benefits, and these benefits are due and payable only to the extent that contributions or reimbursements, with increments thereon, actually collected and credited to the fund and not otherwise appropriated or allocated, are available for payment. The state shall administer the fund without any liability on the part of the state beyond the amount of moneys received from the United States Department of Labor or other federal agency.

Section 29. Paragraphs (b), (c), and (d) of subsection (1) and subsections (3) and (4) of section 443.221, Florida Statutes, are amended to read:

443.221 Reciprocal arrangements.—

(1)

(b) For services to be considered as performed within a state under a reciprocal agreement, the employing unit must have an election in effect for those services, which is approved by the agency charged with the administration of such state's reemployment assistance or unemployment compensation law, under which all the services performed by the individual for the employing unit are deemed to be performed entirely within that state.

(c) The department shall participate in any arrangements for the payment of compensation on the basis of combining an individual's wages and employment covered under this chapter with her or his wages and employment covered under the reemployment assistance or unemployment compensation laws of other states, which are approved by the United States Secretary of Labor, in consultation with the state reemployment assistance or unemployment compensation agencies, as reasonably calculated to assure the prompt and full payment of compensation in those situations and which include provisions for:

1. Applying the base period of a single state law to a claim involving the combining of an individual's wages and employment covered under two or more state reemployment assistance or unemployment compensation laws; and

2. Avoiding the duplicate use of wages and employment because of the combination.

(d) Contributions or reimbursements due under this chapter with respect to wages for insured work are, for the purposes of ss. 443.131, 443.1312, 443.1313, and 443.141, deemed to be paid to the fund as of the date payment was made as contributions or reimbursements therefor under another state or federal reemployment assistance or unemployment compensation law, but an

arrangement may not be entered into unless it contains provisions for reimbursement to the fund of the contributions or reimbursements and the actual earnings thereon as the department or its tax collection service provider finds are fair and reasonable as to all affected interests.

(3) The Department of Economic Opportunity or its tax collection service provider may enter into reciprocal arrangements with other states or the Federal Government, or both, for exchanging services, determining and enforcing payment obligations, and making available facilities and information. The department or its tax collection service provider may conduct investigations, secure and transmit information, make available services and facilities, and exercise other powers provided under this chapter to facilitate the administration of any reemployment assistance or unemployment compensation or public employment service law and, in a similar manner, accept and use information, services, and facilities made available to this state by the agency charged with the administration of any other unemployment compensation or public employment service law.

(4) To the extent permissible under federal law, the Department of Economic Opportunity may enter into or cooperate in arrangements whereby facilities and services provided under this chapter and facilities and services provided under the reemployment assistance or unemployment compensation law of any foreign government may be used for the taking of claims and the payment of benefits under the employment security law of the state or under a similar law of that government.

Section 30. Paragraph (c) of subsection (5) and subsection (8) of section 20.60, Florida Statutes, are amended to read:

20.60 Department of Economic Opportunity; creation; powers and duties.—

(5) The divisions within the department have specific responsibilities to achieve the duties, responsibilities, and goals of the department. Specifically:

(c) The Division of Workforce Services shall:

1. Prepare and submit a unified budget request for workforce in accordance with chapter 216 for, and in conjunction with, Workforce Florida, Inc., and its board.

2. Ensure that the state appropriately administers federal and state workforce funding by administering plans and policies of Workforce Florida, Inc., under contract with Workforce Florida, Inc. The operating budget and midyear amendments thereto must be part of such contract.

a. All program and fiscal instructions to regional workforce boards shall emanate from the Department of Economic Opportunity pursuant to plans and policies of Workforce Florida, Inc., which shall be responsible for all policy directions to the regional workforce boards.

b. Unless otherwise provided by agreement with Workforce Florida, Inc., administrative and personnel policies of the Department of Economic Opportunity shall apply.

3. Implement the state's reemployment assistance ~~unemployment compensation~~ program. The Department of Economic Opportunity shall ensure that the state appropriately administers the reemployment assistance ~~unemployment compensation~~ program pursuant to state and federal law.

4. Assist in developing the 5-year statewide strategic plan required by this section.

(8) The Reemployment Assistance ~~Unemployment~~ Appeals Commission, authorized by s. 443.012, is not subject to control, supervision, or direction by the department in the performance of its powers and duties but shall receive any and all support and assistance from the department which is required for the performance of its duties.

Section 31. Paragraph (a) of subsection (1) of section 27.52, Florida Statutes, is amended to read:

27.52 Determination of indigent status.—

(1) APPLICATION TO THE CLERK.—A person seeking appointment of a public defender under s. 27.51 based upon an inability to pay must apply to the clerk of the court for a determination of indigent status using an application form developed by the Florida Clerks of Court Operations Corporation with final approval by the Supreme Court.

(a) The application must include, at a minimum, the following financial information:

1. Net income, consisting of total salary and wages, minus deductions required by law, including court-ordered support payments.

2. Other income, including, but not limited to, social security benefits, union funds, veterans' benefits, workers' compensation, other regular support from absent family members, public or private employee pensions, reemployment assistance or unemployment compensation, dividends, interest, rent, trusts, and gifts.

3. Assets, including, but not limited to, cash, savings accounts, bank accounts, stocks, bonds, certificates of deposit, equity in real estate, and equity in a boat or a motor vehicle or in other tangible property.

4. All liabilities and debts.

5. If applicable, the amount of any bail paid for the applicant's release from incarceration and the source of the funds.

The application must include a signature by the applicant which attests to the truthfulness of the information provided. The application form developed by the corporation must include notice that the applicant may seek court review of a clerk's determination that the applicant is not indigent, as provided in this section.

Section 32. Subsection (6) of section 40.24, Florida Statutes, is amended to read:

40.24 Compensation and reimbursement policy.—

(6) A juror who receives reemployment assistance ~~unemployment~~ benefits does not lose such benefits because he or she receives compensation for juror service.

Section 33. Paragraph (a) of subsection (7) of section 45.031, Florida Statutes, is amended to read:

45.031 Judicial sales procedure.—In any sale of real or personal property under an order or judgment, the procedures provided in this section and ss. 45.0315-45.035 may be followed as an alternative to any other sale procedure if so ordered by the court.

(7) DISBURSEMENTS OF PROCEEDS.—

(a) On filing a certificate of title, the clerk shall disburse the proceeds of the sale in accordance with the order or final judgment and shall file a report of such disbursements and serve a copy of it on each party, and on the Department of Revenue if the department was named as a defendant in the action or if the Department of Economic Opportunity or the former Agency for Workforce Innovation was named as a defendant while the Department of Revenue was providing reemployment assistance ~~unemployment~~ tax collection services under contract with the Department of Economic Opportunity or the former Agency for Workforce Innovation through an interagency agreement pursuant to s. 443.1316.

Section 34. Subsection (2) of section 55.204, Florida Statutes, is amended to read:

55.204 Duration and continuation of judgment lien; destruction of records.—

(2) Liens securing the payment of child support or tax obligations under s. 95.091(1)(b) lapse 20 years after the date of the original filing of the warrant or other document required by law to establish a lien. Liens securing the payment of reemployment assistance ~~unemployment~~ tax obligations lapse 10 years after the date of the original filing of the notice of lien. A second lien based on the original filing may not be obtained.

Section 35. Paragraph (a) of subsection (1) of section 57.082, Florida Statutes, is amended to read:

57.082 Determination of civil indigent status.—

(1) APPLICATION TO THE CLERK.—A person seeking appointment of an attorney in a civil case eligible for court-appointed counsel, or seeking relief from payment of filing fees and prepayment of costs under s. 57.081, based upon an inability to pay must apply to the clerk of the court for a determination of civil indigent status using an application form developed by the Florida Clerks of Court Operations Corporation with final approval by the Supreme Court.

(a) The application must include, at a minimum, the following financial information:

1. Net income, consisting of total salary and wages, minus deductions required by law, including court-ordered support payments.

2. Other income, including, but not limited to, social security benefits, union funds, veterans' benefits, workers' compensation, other regular support from absent family members, public or private employee pensions,

reemployment assistance or unemployment compensation, dividends, interest, rent, trusts, and gifts.

3. Assets, including, but not limited to, cash, savings accounts, bank accounts, stocks, bonds, certificates of deposit, equity in real estate, and equity in a boat or a motor vehicle or in other tangible property.

4. All liabilities and debts.

The application must include a signature by the applicant which attests to the truthfulness of the information provided. The application form developed by the corporation must include notice that the applicant may seek court review of a clerk's determination that the applicant is not indigent, as provided in this section.

Section 36. Subsection (8) of section 61.046, Florida Statutes, is amended to read:

61.046 Definitions.—As used in this chapter, the term:

(8) "Income" means any form of payment to an individual, regardless of source, including, but not limited to: wages, salary, commissions and bonuses, compensation as an independent contractor, worker's compensation, disability benefits, annuity and retirement benefits, pensions, dividends, interest, royalties, trusts, and any other payments, made by any person, private entity, federal or state government, or any unit of local government. United States Department of Veterans Affairs disability benefits and reemployment assistance or unemployment compensation, as defined in chapter 443, are excluded from this definition of income except for purposes of establishing an amount of support.

Section 37. Paragraph (a) of subsection (3) of section 61.1824, Florida Statutes, is amended to read:

61.1824 State Disbursement Unit.—

(3) The State Disbursement Unit shall perform the following functions:

(a) Disburse all receipts from intercepts, including, but not limited to, United States Internal Revenue Service, reemployment assistance or unemployment compensation, lottery, and administrative offset intercepts.

Section 38. Paragraph (a) of subsection (2) of section 61.30, Florida Statutes, is amended to read:

61.30 Child support guidelines; retroactive child support.—

(2) Income shall be determined on a monthly basis for each parent as follows:

(a) Gross income shall include, but is not limited to, the following:

1. Salary or wages.

2. Bonuses, commissions, allowances, overtime, tips, and other similar payments.

3. Business income from sources such as self-employment, partnership, close corporations, and independent contracts. "Business income" means gross receipts minus ordinary and necessary expenses required to produce income.

4. Disability benefits.

5. All workers' compensation benefits and settlements.

6. Reemployment assistance or unemployment compensation.

7. Pension, retirement, or annuity payments.

8. Social security benefits.

9. Spousal support received from a previous marriage or court ordered in the marriage before the court.

10. Interest and dividends.

11. Rental income, which is gross receipts minus ordinary and necessary expenses required to produce the income.

12. Income from royalties, trusts, or estates.

13. Reimbursed expenses or in kind payments to the extent that they reduce living expenses.

14. Gains derived from dealings in property, unless the gain is nonrecurring.

Section 39. Paragraph (a) of subsection (4) of section 69.041, Florida Statutes, is amended to read:

69.041 State named party; lien foreclosure, suit to quiet title.—

(4)(a) The Department of Revenue has the right to participate in the disbursement of funds remaining in the registry of the court after distribution pursuant to s. 45.031(7). The department shall participate in accordance with applicable procedures in any mortgage foreclosure action in which the

department has a duly filed tax warrant, or interests under a lien arising from a judgment, order, or decree for support, as defined in s. 409.2554, or interest in an reemployment assistance ~~unemployment compensation~~ tax lien under contract with the Department of Economic Opportunity through an interagency agreement pursuant to s. 443.1316, against the subject property and with the same priority, regardless of whether a default against the department, the Department of Economic Opportunity, or the former Agency for Workforce Innovation has been entered for failure to file an answer or other responsive pleading.

Section 40. Subsection (1) of section 77.041, Florida Statutes, is amended to read:

77.041 Notice to individual defendant for claim of exemption from garnishment; procedure for hearing.—

(1) Upon application for a writ of garnishment by a plaintiff, if the defendant is an individual, the clerk of the court shall attach to the writ the following "Notice to Defendant":

NOTICE TO DEFENDANT OF RIGHT AGAINST GARNISHMENT OF
WAGES, MONEY, AND OTHER PROPERTY

The Writ of Garnishment delivered to you with this Notice means that wages, money, and other property belonging to you have been garnished to pay a court judgment against you. HOWEVER, YOU MAY BE ABLE TO KEEP OR RECOVER YOUR WAGES, MONEY, OR PROPERTY. READ THIS NOTICE CAREFULLY.

State and federal laws provide that certain wages, money, and property, even if deposited in a bank, savings and loan, or credit union, may not be taken to pay certain types of court judgments. Such wages, money, and property are exempt from garnishment. The major exemptions are listed below on the form for Claim of Exemption and Request for Hearing. This list does not include all possible exemptions. You should consult a lawyer for specific advice.

TO KEEP YOUR WAGES, MONEY, AND OTHER PROPERTY FROM BEING GARNISHED, OR TO GET BACK ANYTHING ALREADY TAKEN, YOU MUST COMPLETE A FORM FOR CLAIM OF EXEMPTION AND REQUEST FOR HEARING AS SET FORTH BELOW AND HAVE THE FORM NOTARIZED. YOU MUST FILE THE FORM WITH THE CLERK'S OFFICE WITHIN 20 DAYS AFTER THE DATE YOU RECEIVE THIS NOTICE OR YOU MAY LOSE IMPORTANT RIGHTS. YOU MUST ALSO MAIL OR DELIVER A COPY OF THIS FORM TO THE PLAINTIFF AND THE GARNISHEE AT THE ADDRESSES LISTED ON THE WRIT OF GARNISHMENT.

If you request a hearing, it will be held as soon as possible after your request is received by the court. The plaintiff must file any objection within 3 business days if you hand delivered to the plaintiff a copy of the form for Claim of Exemption and Request for Hearing or, alternatively, 8 business days if you mailed a copy of the form for claim and request to the plaintiff. If the plaintiff files an objection to your Claim of Exemption and Request for Hearing, the clerk will notify you and the other parties of the time and date of the hearing. You may attend the hearing with or without an attorney. If the plaintiff fails to file an objection, no hearing is required, the writ of garnishment will be dissolved and your wages, money, or property will be released.

YOU SHOULD FILE THE FORM FOR CLAIM OF EXEMPTION IMMEDIATELY TO KEEP YOUR WAGES, MONEY, OR PROPERTY FROM BEING APPLIED TO THE COURT JUDGMENT. THE CLERK CANNOT GIVE YOU LEGAL ADVICE. IF YOU NEED LEGAL ASSISTANCE YOU SHOULD SEE A LAWYER. IF YOU CANNOT AFFORD A PRIVATE LAWYER, LEGAL SERVICES MAY BE AVAILABLE. CONTACT YOUR LOCAL BAR ASSOCIATION OR ASK THE CLERK'S OFFICE ABOUT ANY LEGAL SERVICES PROGRAM IN YOUR AREA.

CLAIM OF EXEMPTION AND REQUEST FOR HEARING

I claim exemptions from garnishment under the following categories as checked:

....
1. Head of family wages. (You must check a. or b. below.)

....
a. I provide more than one-half of the support for a child or other dependent and have net earnings of \$750 or less per week.

....
b. I provide more than one-half of the support for a child or other dependent, have net earnings of more than \$750 per week, but have not agreed in writing to have my wages garnished.

....
2. Social Security benefits.

....
3. Supplemental Security Income benefits.

....
4. Public assistance (welfare).

....
5. Workers' Compensation.

....
6. Reemployment assistance or unemployment Compensation.

....
7. Veterans' benefits.

....
8. Retirement or profit-sharing benefits or pension money.

....
9. Life insurance benefits or cash surrender value of a life insurance policy or proceeds of annuity contract.

....
10. Disability income benefits.

....
11. Prepaid College Trust Fund or Medical Savings Account.

....
12. Other exemptions as provided by law.....(explain)

I request a hearing to decide the validity of my claim. Notice of the hearing should be given to me at:

Address:
Telephone number:.....

The statements made in this request are true to the best of my knowledge and belief.

.....
Defendant's signature
Date.....

STATE OF FLORIDA
COUNTY OF

Sworn and subscribed to before me this day of ...(month and year)..., by ...(name of person making statement)...
Notary Public/Deputy Clerk
Personally KnownOR Produced Identification....
Type of Identification Produced.....

Section 41. Paragraph (n) of subsection (2) of section 110.205, Florida Statutes, is amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions that are not covered by this part include the following:

(n)1.a. In addition to those positions exempted by other paragraphs of this subsection, each department head may designate a maximum of 20 policymaking or managerial positions, as defined by the department and approved by the Administration Commission, as being exempt from the Career Service System. Career service employees who occupy a position designated as a position in the Selected Exempt Service under this paragraph shall have the right to remain in the Career Service System by opting to serve in a position not exempted by the employing agency. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Selected Exempt Service; provided, however, that if the agency head determines that the general counsel, chief Cabinet aide, public information administrator or comparable position for a Cabinet officer, inspector general, or legislative affairs director has both policymaking and managerial responsibilities and if the department determines that any such position has both policymaking and managerial responsibilities, the salary and benefits for each such position shall be established by the department in accordance with the rules of the Senior Management Service.

b. In addition, each department may designate one additional position in the Senior Management Service if that position reports directly to the agency head or to a position in the Senior Management Service and if any additional costs are absorbed from the existing budget of that department.

2. If otherwise exempt, employees of the Public Employees Relations Commission, the Commission on Human Relations, and the Reemployment Assistance ~~Unemployment~~ Appeals Commission, upon the certification of their respective commission heads, may be provided for under this paragraph as members of the Senior Management Service, if otherwise qualified. However, the deputy general counsel of the Public Employees Relations Commission shall be compensated as members of the Selected Exempt Service.

Section 42. Subsection (4) of section 110.502, Florida Statutes, is amended to read:

110.502 Scope of act; status of volunteers.—

(4) Persons working with state agencies pursuant to this part shall be considered as unpaid independent volunteers and shall not be entitled to reemployment assistance ~~unemployment compensation~~.

Section 43. Subsection (10) of section 120.80, Florida Statutes, is amended to read:

120.80 Exceptions and special requirements; agencies.—

(10) DEPARTMENT OF ECONOMIC OPPORTUNITY.—

(a) Notwithstanding s. 120.54, the rulemaking provisions of this chapter do not apply to reemployment assistance ~~unemployment~~ appeals referees.

(b) Notwithstanding s. 120.54(5), the uniform rules of procedure do not apply to appeal proceedings conducted under chapter 443 by the Reemployment Assistance ~~Unemployment~~ Appeals Commission, special deputies, or reemployment assistance ~~unemployment~~ appeals referees.

(c) Notwithstanding s. 120.57(1)(a), hearings under chapter 443 may not be conducted by an administrative law judge assigned by the division, but instead shall be conducted by the Reemployment Assistance ~~Unemployment~~ Appeals Commission in reemployment assistance ~~unemployment compensation~~ appeals, reemployment assistance ~~unemployment~~ appeals referees, and the Department of Economic Opportunity or its special deputies under s. 443.141.

Section 44. Subsection (4) of section 125.9502, Florida Statutes, is amended to read:

125.9502 Scope of ss. 125.9501-125.9506; status of volunteers.—

(4) Persons working with a unit of county government or a constitutional county officer pursuant to ss. 125.9501-125.9506 are considered unpaid independent volunteers and are not entitled to reemployment assistance ~~unemployment compensation~~.

Section 45. Paragraph (d) of subsection (1) and paragraph (b) of subsection (2) of section 212.096, Florida Statutes, are amended to read:

212.096 Sales, rental, storage, use tax; enterprise zone jobs credit against sales tax.—

(1) For the purposes of the credit provided in this section:

(d) "Job" means a full-time position, as consistent with terms used by the Department of Economic Opportunity ~~Agency for Workforce Innovation~~ and the United States Department of Labor for purposes of reemployment assistance ~~unemployment compensation~~ tax administration and employment estimation resulting directly from a business operation in this state. This term may not include a temporary construction job involved with the construction of facilities or any job that has previously been included in any application for tax credits under s. 220.181(1). The term also includes employment of an employee leased from an employee leasing company licensed under chapter 468 if such employee has been continuously leased to the employer for an average of at least 36 hours per week for more than 6 months.

A person shall be deemed to be employed if the person performs duties in connection with the operations of the business on a regular, full-time basis, provided the person is performing such duties for an average of at least 36 hours per week each month. The person must be performing such duties at a business site located in the enterprise zone.

(2)

(b) The credit shall be computed as 20 percent of the actual monthly wages paid in this state to each new employee hired when a new job has been created, unless the business is located within a rural enterprise zone pursuant to s. 290.004, in which case the credit shall be 30 percent of the actual monthly wages paid. If no less than 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees, the credit shall be computed as 30 percent of the actual monthly wages paid in this state to each new employee hired when a new job has been created, unless the business is located within a rural enterprise zone, in which case the credit shall be 45 percent of the actual monthly wages paid. If the new employee hired when a new job is created is a participant in the welfare transition program, the following credit shall be a percent of the actual monthly wages paid: 40 percent for \$4 above the hourly federal minimum wage rate; 41 percent for \$5 above the hourly federal minimum wage rate; 42 percent for \$6 above the hourly federal minimum wage rate; 43 percent for \$7 above the hourly federal minimum wage rate; and 44 percent for \$8 above the hourly federal minimum wage rate. For purposes of this paragraph, monthly wages shall be computed as one-twelfth of the expected annual wages paid to such employee. The amount paid as wages to a new employee is the compensation paid to such employee that is subject to reemployment assistance ~~unemployment~~ tax. The credit shall be allowed for up to 24 consecutive months, beginning with the first tax return due pursuant to s. 212.11 after approval by the department.

Section 46. Subsection (4) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(4) The department, while providing reemployment assistance ~~unemployment~~ tax collection services under contract with the Department of Economic Opportunity through an interagency agreement pursuant to s. 443.1316, may release reemployment assistance ~~unemployment~~ tax rate information to the agent of an employer who provides payroll services for more than 100 employers, pursuant to the terms of a memorandum of understanding. The memorandum of understanding must state that the agent affirms, subject to the criminal penalties contained in ss. 443.171 and 443.1715, that the agent will retain the confidentiality of the information, that the agent has in effect a power of attorney from the employer which permits the agent to obtain reemployment assistance ~~unemployment~~ tax rate information, and that the agent shall provide the department with a copy of the employer's power of attorney upon request.

Section 47. Paragraph (a) of subsection (6) of section 216.292, Florida Statutes, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

(6) The Chief Financial Officer shall transfer from any available funds of an agency or the judicial branch the following amounts and shall report all such transfers and the reasons therefor to the legislative appropriations committees and the Executive Office of the Governor:

(a) The amount due to the Unemployment Compensation Trust Fund which is more than 90 days delinquent on reimbursements due to the Unemployment Compensation Trust Fund. The amount transferred shall be that certified by the state agency providing reemployment assistance ~~unemployment~~ tax collection services under contract with the Department of Economic Opportunity through an interagency agreement pursuant to s. 443.1316.

Section 48. Paragraph (ff) of subsection (1) of section 220.03, Florida Statutes, is amended to read:

220.03 Definitions.—

(1) SPECIFIC TERMS.—When used in this code, and when not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the following terms shall have the following meanings:

(ff) "Job" means a full-time position, as consistent with terms used by the Department of Economic Opportunity and the United States Department of Labor for purposes of reemployment assistance ~~unemployment compensation~~ tax administration and employment estimation resulting directly from business operations in this state. The term may not include a temporary construction job involved with the construction of facilities or any job that has previously been included in any application for tax credits under s. 212.096. The term also includes employment of an employee leased from an employee leasing company licensed under chapter 468 if the employee has been continuously leased to the employer for an average of at least 36 hours per week for more than 6 months.

Section 49. Paragraph (b) of subsection (1) of section 220.181, Florida Statutes, is amended to read:

220.181 Enterprise zone jobs credit.—

(1)

(b) This credit applies only with respect to wages subject to reemployment assistance ~~unemployment~~ tax. The credit provided in this section does not apply:

1. For any employee who is an owner, partner, or majority stockholder of an eligible business.
2. For any new employee who is employed for any period less than 3 months.

Section 50. Paragraph (e) of subsection (1) of section 220.191, Florida Statutes, is amended to read:

220.191 Capital investment tax credit.—

(1) DEFINITIONS.—For purposes of this section:

(e) "Jobs" means full-time equivalent positions, as that term is consistent with terms used by the Department of Economic Opportunity and the United States Department of Labor for purposes of reemployment assistance ~~unemployment~~ tax administration and employment estimation, resulting

directly from a project in this state. The term does not include temporary construction jobs involved in the construction of the project facility.

Section 51. Paragraph (d) of subsection (3) of section 220.194, Florida Statutes, is amended to read:

220.194 Corporate income tax credits for spaceflight projects.—

(3) DEFINITIONS.—As used in this section, the term:

(d) "New job" means the full-time employment of an employee in a manner that is consistent with terms used by the Department of Economic Opportunity ~~Agency for Workforce Innovation~~ and the United States Department of Labor for purposes of reemployment assistance ~~unemployment compensation~~ tax administration and employment estimation. In order to meet the requirement for certification specified in paragraph (5)(b), a new job must:

1. Pay new employees at least 115 percent of the statewide or countywide average annual private sector wage for the 3 taxable years immediately preceding filing an application for certification;

2. Require a new employee to perform duties on a regular full-time basis in this state for an average of at least 36 hours per week each month for the 3 taxable years immediately preceding filing an application for certification; and

3. Not be held by a person who has previously been included as a new employee on an application for any credit authorized under this section.

Section 52. Section 222.15, Florida Statutes, is amended to read:

222.15 Wages or reemployment assistance or unemployment compensation payments due deceased employee may be paid spouse or certain relatives.—

(1) It is lawful for any employer, in case of the death of an employee, to pay to the wife or husband, and in case there is no wife or husband, then to the child or children, provided the child or children are over the age of 18 years, and in case there is no child or children, then to the father or mother, any wages or travel expenses that may be due such employee at the time of his or her death.

(2) It is also lawful for the Department of Economic Opportunity, in case of death of any unemployed individual, to pay to those persons referred to in subsection (1) any reemployment assistance or unemployment compensation payments that may be due to the individual at the time of his or her death.

Section 53. Section 222.16, Florida Statutes, is amended to read:

222.16 Wages or reemployment assistance or unemployment compensation payments so paid not subject to administration.—Any wages, travel expenses, or reemployment assistance or unemployment compensation payments so paid under the authority of s. 222.15 shall not be considered as assets of the estate and subject to administration; provided, however, that the travel expenses so exempted from administration shall not exceed the sum of \$300.

Section 54. Paragraph (m) of subsection (1) of section 255.20, Florida Statutes, is amended to read:

255.20 Local bids and contracts for public construction works; specification of state-produced lumber.—

(1) A county, municipality, special district as defined in chapter 189, or other political subdivision of the state seeking to construct or improve a public building, structure, or other public construction works must competitively award to an appropriately licensed contractor each project that is estimated in accordance with generally accepted cost-accounting principles to cost more than \$300,000. For electrical work, the local government must competitively award to an appropriately licensed contractor each project that is estimated in accordance with generally accepted cost-accounting principles to cost more than \$75,000. As used in this section, the term "competitively award" means to award contracts based on the submission of sealed bids, proposals submitted in response to a request for proposal, proposals submitted in response to a request for qualifications, or proposals submitted for competitive negotiation. This subsection expressly allows contracts for construction management services, design/build contracts, continuation contracts based on unit prices, and any other contract arrangement with a private sector contractor permitted by any applicable municipal or county ordinance, by district resolution, or by state law. For purposes of this section, cost includes the cost of all labor, except inmate labor, and the cost of equipment and materials to be used in the construction of the project. Subject to the provisions of subsection (3), the county, municipality, special district, or

other political subdivision may establish, by municipal or county ordinance or special district resolution, procedures for conducting the bidding process.

(m) Any contractor may be considered ineligible to bid by the governmental entity if the contractor has been found guilty by a court of any violation of federal labor or employment tax laws regarding subjects such as safety, tax withholding, workers' compensation, reemployment assistance or unemployment tax, social security and Medicare tax, wage or hour, or prevailing rate laws within the past 5 years.

Section 55. Subsection (5) of section 288.075, Florida Statutes, is amended to read:

288.075 Confidentiality of records.—

(5) IDENTIFICATION, ACCOUNT, AND REGISTRATION NUMBERS.—A federal employer identification number, reemployment assistance ~~unemployment compensation~~ account number, or Florida sales tax registration number held by an economic development agency is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

Section 56. Paragraph (c) of subsection (1) of section 288.1045, Florida Statutes, is amended to read:

288.1045 Qualified defense contractor and space flight business tax refund program.—

(1) DEFINITIONS.—As used in this section:

(c) "Business unit" means an employing unit, as defined in s. 443.036, that is registered with the department for reemployment assistance ~~unemployment compensation~~ purposes or means a subcategory or division of an employing unit that is accepted by the department as a reporting unit.

Section 57. Paragraph (d) of subsection (2) of section 288.106, Florida Statutes, is amended to read:

288.106 Tax refund program for qualified target industry businesses.—

(2) DEFINITIONS.—As used in this section:

(d) "Business" means an employing unit, as defined in s. 443.036, that is registered for reemployment assistance ~~unemployment compensation~~ purposes with the state agency providing reemployment assistance ~~unemployment~~ tax collection services under an interagency agreement pursuant to s. 443.1316, or a subcategory or division of an employing unit that is accepted by the state agency providing reemployment assistance ~~unemployment~~ tax collection services as a reporting unit.

Section 58. Paragraph (b) of subsection (3) of section 288.1081, Florida Statutes, is amended to read:

288.1081 Economic Gardening Business Loan Pilot Program.—

(3)

(b) A loan applicant must submit a written application to the loan administrator in the format prescribed by the loan administrator. The application must include:

1. The applicant's federal employer identification number, reemployment assistance ~~unemployment~~ account number, and sales or other tax registration number.

2. The street address of the applicant's principal place of business in this state.

3. A description of the type of economic activity, product, or research and development undertaken by the applicant, including the six-digit North American Industry Classification System code for each type of economic activity conducted by the applicant.

4. The applicant's annual revenue, number of employees, number of full-time equivalent employees, and other information necessary to verify the applicant's eligibility for the pilot program under s. 288.1082(4)(a).

5. The projected investment in the business, if any, which the applicant proposes in conjunction with the loan.

6. The total investment in the business from all sources, if any, which the applicant proposes in conjunction with the loan.

7. The number of net new full-time equivalent jobs that, as a result of the loan, the applicant proposes to create in this state as of December 31 of each year and the average annual wage of the proposed jobs.

8. The total number of full-time equivalent employees the applicant currently employs in this state.

9. The date that the applicant anticipates it needs the loan.

10. A detailed explanation of why the loan is needed to assist the applicant in expanding jobs in the state.

11. A statement that all of the applicant's available corporate assets are pledged as collateral for the amount of the loan.

12. A statement that the applicant, upon receiving the loan, agrees not to seek additional long-term debt without prior approval of the loan administrator.

13. A statement that the loan is a joint obligation of the business and of each person who owns at least 20 percent of the business.

14. Any additional information requested by the department or the loan administrator.

Section 59. Paragraph (a) of subsection (3) of section 288.1089, Florida Statutes, is amended to read:

288.1089 Innovation Incentive Program.—

(3) To be eligible for consideration for an innovation incentive award, an innovation business, a research and development entity, or an alternative and renewable energy company must submit a written application to the department before making a decision to locate new operations in this state or expand an existing operation in this state. The application must include, but not be limited to:

(a) The applicant's federal employer identification number, reemployment assistance ~~unemployment~~ account number, and state sales tax registration number. If such numbers are not available at the time of application, they must be submitted to the department in writing before the disbursement of any payments under this section.

Section 60. Subsection (1) of section 334.30, Florida Statutes, is amended to read:

334.30 Public-private transportation facilities.—The Legislature finds and declares that there is a public need for the rapid construction of safe and efficient transportation facilities for the purpose of traveling within the state, and that it is in the public's interest to provide for the construction of additional safe, convenient, and economical transportation facilities.

(1) The department may receive or solicit proposals and, with legislative approval as evidenced by approval of the project in the department's work program, enter into agreements with private entities, or consortia thereof, for the building, operation, ownership, or financing of transportation facilities. The department may advance projects programmed in the adopted 5-year work program or projects increasing transportation capacity and greater than \$500 million in the 10-year Strategic Intermodal Plan using funds provided by public-private partnerships or private entities to be reimbursed from department funds for the project as programmed in the adopted work program. The department shall by rule establish an application fee for the submission of unsolicited proposals under this section. The fee must be sufficient to pay the costs of evaluating the proposals. The department may engage the services of private consultants to assist in the evaluation. Before approval, the department must determine that the proposed project:

(a) Is in the public's best interest;

(b) Would not require state funds to be used unless the project is on the State Highway System;

(c) Would have adequate safeguards in place to ensure that no additional costs or service disruptions would be realized by the traveling public and residents of the state in the event of default or cancellation of the agreement by the department;

(d) Would have adequate safeguards in place to ensure that the department or the private entity has the opportunity to add capacity to the proposed project and other transportation facilities serving similar origins and destinations; and

(e) Would be owned by the department upon completion or termination of the agreement.

The department shall ensure that all reasonable costs to the state, related to transportation facilities that are not part of the State Highway System, are borne by the private entity. The department shall also ensure that all reasonable costs to the state and substantially affected local governments and utilities, related to the private transportation facility, are borne by the private entity for transportation facilities that are owned by private entities. For projects on the State Highway System, the department may use state resources to participate in funding and financing the project as provided for under the department's enabling legislation. Because the Legislature recognizes that private entities or consortia thereof would perform a

governmental or public purpose or function when they enter into agreements with the department to design, build, operate, own, or finance transportation facilities, the transportation facilities, including leasehold interests thereof, are exempt from ad valorem taxes as provided in chapter 196 to the extent property is owned by the state or other government entity, and from intangible taxes as provided in chapter 199 and special assessments of the state, any city, town, county, special district, political subdivision of the state, or any other governmental entity. The private entities or consortia thereof are exempt from tax imposed by chapter 201 on all documents or obligations to pay money which arise out of the agreements to design, build, operate, own, lease, or finance transportation facilities. Any private entities or consortia thereof must pay any applicable corporate taxes as provided in chapter 220, and reemployment assistance ~~unemployment compensation~~ taxes as provided in chapter 443, and sales and use tax as provided in chapter 212 shall be applicable. The private entities or consortia thereof must also register and collect the tax imposed by chapter 212 on all their direct sales and leases that are subject to tax under chapter 212. The agreement between the private entity or consortia thereof and the department establishing a transportation facility under this chapter constitutes documentation sufficient to claim any exemption under this section.

Section 61. Subsection (8) of section 408.809, Florida Statutes, is amended to read:

408.809 Background screening; prohibited offenses.—

(8) There is no reemployment assistance ~~unemployment compensation~~ or other monetary liability on the part of, and no cause of action for damages arising against, an employer that, upon notice of a disqualifying offense listed under chapter 435 or this section, terminates the person against whom the report was issued, whether or not that person has filed for an exemption with the Department of Health or the agency.

Section 62. Paragraph (e) of subsection (7) of section 409.2563, Florida Statutes, is amended to read:

409.2563 Administrative establishment of child support obligations.—

(7) ADMINISTRATIVE SUPPORT ORDER.—

(e) An administrative support order must comply with ss. 61.13(1) and 61.30. The department shall develop a standard form or forms for administrative support orders. An administrative support order must provide and state findings, if applicable, concerning:

1. The full name and date of birth of the child or children;
2. The name of the parent from whom support is being sought and the other parent or caregiver;
3. The parent's duty and ability to provide support;
4. The amount of the parent's monthly support obligation;
5. Any obligation to pay retroactive support;
6. The parent's obligation to provide for the health care needs of each child, whether through health insurance, contribution toward the cost of health insurance, payment or reimbursement of health care expenses for the child, or any combination thereof;
7. The beginning date of any required monthly payments and health insurance;
8. That all support payments ordered must be paid to the Florida State Disbursement Unit as provided by s. 61.1824;
9. That the parents, or caregiver if applicable, must file with the department when the administrative support order is rendered, if they have not already done so, and update as appropriate the information required pursuant to paragraph (13)(b);
10. That both parents, or parent and caregiver if applicable, are required to promptly notify the department of any change in their mailing addresses pursuant to paragraph (13)(c); and
11. That if the parent ordered to pay support receives reemployment assistance or unemployment compensation benefits, the payor shall withhold, and transmit to the department, 40 percent of the benefits for payment of support, not to exceed the amount owed.

An income deduction order as provided by s. 61.1301 must be incorporated into the administrative support order or, if not incorporated into the administrative support order, the department or the Division of Administrative Hearings shall render a separate income deduction order.

Section 63. Paragraph (a) of subsection (3), subsection (8), and paragraph (a) of subsection (9) of section 409.2576, Florida Statutes, are amended to read:

409.2576 State Directory of New Hires.—

(3) EMPLOYERS TO FURNISH REPORTS.—

(a) Each employer subject to the reporting requirements of chapter 443 with 250 or more employees, shall provide to the State Directory of New Hires, a report listing the employer's legal name, address, and reemployment assistance ~~unemployment compensation~~ identification number. The report must also provide the name and social security number of each new employee or rehired employee at the end of the first pay period following employment or reemployment.

(8) PROVIDING INFORMATION TO NATIONAL DIRECTORY.—The State Directory of New Hires must furnish information regarding newly hired or rehired employees to the National Directory of New Hires for matching with the records of other state case registries within 3 business days of entering such information from the employer into the State Directory of New Hires. The State Directory of New Hires shall enter into an agreement with the Department of Economic Opportunity or its tax collection service provider for the quarterly reporting to the National Directory of New Hires information on wages and reemployment assistance ~~unemployment compensation~~ taken from the quarterly report to the Secretary of Labor, now required by Title III of the Social Security Act, except that no report shall be filed with respect to an employee of a state or local agency performing intelligence or counterintelligence functions, if the head of such agency has determined that filing such a report could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission.

(9) DISCLOSURE OF INFORMATION.—

(a) New hire information shall be disclosed to the state agency administering the following programs for the purposes of determining eligibility under those programs:

1. Any state program funded under part A of Title IV of the Social Security Act;
2. The Medicaid program under Title XIX of the Social Security Act;
3. The reemployment assistance or unemployment compensation program under s. 3304 of the Internal Revenue Code of 1954;
4. The food assistance program under the Food and Nutrition Act of 2008; and
5. Any state program under a plan approved under Title I (Old-Age Assistance for the Aged), Title X (Aid to the Blind), Title XIV (Aid to the Permanently and Totally Disabled), or Title XVI (Aid to the Aged, Blind, or Disabled; Supplemental Security Income for the Aged, Blind, and Disabled) of the Social Security Act.

Section 64. Paragraph (f) of subsection (1) of section 414.295, Florida Statutes, is amended to read:

414.295 Temporary cash assistance programs; public records exemption.—

(1) Personal identifying information of a temporary cash assistance program participant, a participant's family, or a participant's family or household member, except for information identifying a parent who does not live in the same home as the child, held by the department, the Office of Early Learning, Workforce Florida, Inc., the Department of Health, the Department of Revenue, the Department of Education, or a regional workforce board or local committee created pursuant to s. 445.007 is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such confidential and exempt information may be released for purposes directly connected with:

(f) The administration of the reemployment assistance ~~unemployment compensation~~ program.

Section 65. Subsection (4) of section 435.06, Florida Statutes, is amended to read:

435.06 Exclusion from employment.—

(4) There is no reemployment assistance ~~unemployment compensation~~ or other monetary liability on the part of, and no cause of action for damages against, an employer that, upon notice of a conviction or arrest for a disqualifying offense listed under this chapter, terminates the person against

whom the report was issued or who was arrested, regardless of whether or not that person has filed for an exemption pursuant to this chapter.

Section 66. Subsection (2) of section 440.12, Florida Statutes, is amended to read:

440.12 Time for commencement and limits on weekly rate of compensation.—

(2) Compensation for disability resulting from injuries which occur after December 31, 1974, shall not be less than \$20 per week. However, if the employee's wages at the time of injury are less than \$20 per week, he or she shall receive his or her full weekly wages. If the employee's wages at the time of the injury exceed \$20 per week, compensation shall not exceed an amount per week which is:

- (a) Equal to 100 percent of the statewide average weekly wage, determined as hereinafter provided for the year in which the injury occurred; however, the increase to 100 percent from 66 2/3 percent of the statewide average weekly wage shall apply only to injuries occurring on or after August 1, 1979; and
- (b) Adjusted to the nearest dollar.

For the purpose of this subsection, the "statewide average weekly wage" means the average weekly wage paid by employers subject to the Florida ~~Reemployment Assistance Program Unemployment Compensation~~ Law as reported to the Department of Economic Opportunity for the four calendar quarters ending each June 30, which average weekly wage shall be determined by the Department of Economic Opportunity on or before November 30 of each year and shall be used in determining the maximum weekly compensation rate with respect to injuries occurring in the calendar year immediately following. The statewide average weekly wage determined by the Department of Economic Opportunity shall be reported annually to the Legislature.

Section 67. Paragraph (c) of subsection (9) and subsection (10) of section 440.15, Florida Statutes, are amended to read:

440.15 Compensation for disability.—Compensation for disability shall be paid to the employee, subject to the limits provided in s. 440.12(2), as follows:

(9) ~~EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER AND FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT.—~~

(c) Disability compensation benefits payable for any week, including those benefits provided by paragraph (1)(f), may not be reduced pursuant to this subsection until the Social Security Administration determines the amount otherwise payable to the employee under 42 U.S.C. ss. 402 and 423 and the employee has begun receiving such social security benefit payments. The employee shall, upon demand by the department, the employer, or the carrier, authorize the Social Security Administration to release disability information relating to her or him and authorize the Department of Economic Opportunity to release ~~reemployment assistance unemployment compensation~~ information relating to her or him, in accordance with rules to be adopted by the department prescribing the procedure and manner for requesting the authorization and for compliance by the employee. The department or the employer or carrier may not make any payment of benefits for total disability or those additional benefits provided by paragraph (1)(f) for any period during which the employee willfully fails or refuses to authorize the release of information in the manner and within the time prescribed by such rules. The authority for release of disability information granted by an employee under this paragraph is effective for a period not to exceed 12 months and such authority may be renewed, as the department prescribes by rule.

(10) ~~EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER WHO HAS RECEIVED OR IS ENTITLED TO RECEIVE REEMPLOYMENT ASSISTANCE UNEMPLOYMENT COMPENSATION.—~~

(a) No compensation benefits shall be payable for temporary total disability or permanent total disability under this chapter for any week in which the injured employee has received, or is receiving, reemployment assistance or unemployment compensation benefits.

(b) If an employee is entitled to temporary partial benefits pursuant to subsection (4) and reemployment assistance or unemployment compensation benefits, such reemployment assistance or unemployment compensation benefits shall be primary and the temporary partial benefits shall be

supplemental only, the sum of the two benefits not to exceed the amount of temporary partial benefits which would otherwise be payable.

Section 68. Subsections (4) and (7) of section 440.381, Florida Statutes, are amended to read:

440.381 Application for coverage; reporting payroll; payroll audit procedures; penalties.—

(4) Each employer must submit a copy of the quarterly earnings report required by chapter 443 at the end of each quarter to the carrier and submit self-audits supported by the quarterly earnings reports required by chapter 443 and the rules adopted by the Department of Economic Opportunity or by the state agency providing reemployment assistance unemployment tax collection services under contract with the Department of Economic Opportunity through an interagency agreement pursuant to s. 443.1316. The reports must include a sworn statement by an officer or principal of the employer attesting to the accuracy of the information contained in the report.

(7) If an employee suffering a compensable injury was not reported as earning wages on the last quarterly earnings report filed with the Department of Economic Opportunity or the state agency providing reemployment assistance unemployment tax collection services under contract with the Department of Economic Opportunity through an interagency agreement pursuant to s. 443.1316 before the accident, the employer shall indemnify the carrier for all workers' compensation benefits paid to or on behalf of the employee unless the employer establishes that the employee was hired after the filing of the quarterly report, in which case the employer and employee shall attest to the fact that the employee was employed by the employer at the time of the injury. Failure of the employer to indemnify the insurer within 21 days after demand by the insurer is grounds for the insurer to immediately cancel coverage. Any action for indemnification brought by the carrier is cognizable in the circuit court having jurisdiction where the employer or carrier resides or transacts business. The insurer is entitled to a reasonable attorney's fee if it recovers any portion of the benefits paid in the action.

Section 69. Subsection (2) of section 440.42, Florida Statutes, is amended to read:

440.42 Insurance policies; liability.—

(2) A workers' compensation insurance policy may require the employer to release certain employment and wage information maintained by the state pursuant to federal and state reemployment assistance unemployment compensation laws except to the extent prohibited or limited under federal law. By entering into a workers' compensation insurance policy with such a provision, the employer consents to the release of the information. The insurance carrier requiring such consent shall safeguard the information and maintain its confidentiality. The carrier shall limit use of the information to verifying compliance with the terms of the workers' compensation insurance policy. The department may charge a fee to cover the cost of disclosing the information.

Section 70. Paragraph (i) of subsection (1) and paragraph (b) of subsection (9) of section 445.009, Florida Statutes, are amended to read:

445.009 One-stop delivery system.—

(1) The one-stop delivery system is the state's primary customer-service strategy for offering every Floridian access, through service sites or telephone or computer networks, to the following services:

(i) Claim filing for reemployment assistance unemployment compensation services.

(9)

(b) The network shall assure that a uniform method is used to determine eligibility for and management of services provided by agencies that conduct workforce development activities. The Department of Management Services shall develop strategies to allow access to the databases and information management systems of the following systems in order to link information in those databases with the one-stop delivery system:

1. The Reemployment Assistance Unemployment Compensation Program under chapter 443.

2. The public employment service described in s. 443.181.

3. The FLORIDA System and the components related to temporary cash assistance, food assistance, and Medicaid eligibility.

4. The Student Financial Assistance System of the Department of Education.

5. Enrollment in the public postsecondary education system.

6. Other information systems determined appropriate by Workforce Florida, Inc.

Section 71. Subsection (6) of section 445.016, Florida Statutes, is amended to read:

445.016 Untried Worker Placement and Employment Incentive Act.—

(6) During an untried worker's probationary placement, the for-profit or not-for-profit agent shall be the employer of record of that untried worker, and shall provide workers' compensation and reemployment assistance ~~unemployment compensation~~ coverage as provided by law. The business employing the untried worker through the agent may be eligible to apply for any tax credits, wage supplementation, wage subsidy, or employer payment for that employee that are authorized in law or by agreement with the employer. After satisfactory completion of such a probationary period, an untried worker shall not be considered an untried worker.

Section 72. Paragraph (c) of subsection (2) and paragraph (a) of subsection (3) of section 446.50, Florida Statutes, are amended to read:

446.50 Displaced homemakers; multiservice programs; report to the Legislature; Displaced Homemaker Trust Fund created.—

(2) DEFINITION.—For the purposes of this section, the term "displaced homemaker" means an individual who:

(c) Is not adequately employed, as defined by rule of the Department of Economic Opportunity ~~agency~~;

(3) POWERS AND DUTIES OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY.—

(a) The Department of Economic Opportunity, under plans established by Workforce Florida, Inc., shall establish, or contract for the establishment of, programs for displaced homemakers which shall include:

1. Job counseling, by professionals and peers, specifically designed for a person entering the job market after a number of years as a homemaker.

2. Job training and placement services, including:

a. Training programs for available jobs in the public and private sectors, taking into account the skills and job experiences of a homemaker and developed by working with public and private employers.

b. Assistance in locating available employment for displaced homemakers, some of whom could be employed in existing job training and placement programs.

c. Utilization of the services of the state employment service in locating employment opportunities.

3. Financial management services providing information and assistance with respect to insurance, including, but not limited to, life, health, home, and automobile insurance, and taxes, estate and probate problems, mortgages, loans, and other related financial matters.

4. Educational services, including high school equivalency degree and such other courses as the department determines would be of interest and benefit to displaced homemakers.

5. Outreach and information services with respect to federal and state employment, education, health, and reemployment ~~unemployment~~ assistance programs that the department determines would be of interest and benefit to displaced homemakers.

Section 73. Paragraph (b) of subsection (4) of section 448.110, Florida Statutes, is amended to read:

448.110 State minimum wage; annual wage adjustment; enforcement.—

(4)

(b) The Department of Revenue and the Department of Economic Opportunity shall annually publish the amount of the adjusted state minimum wage and the effective date. Publication shall occur by posting the adjusted state minimum wage rate and the effective date on the Internet home pages of the Department of Economic Opportunity and the Department of Revenue by October 15 of each year. In addition, to the extent funded in the General Appropriations Act, the Department of Economic Opportunity shall provide written notice of the adjusted rate and the effective date of the adjusted state minimum wage to all employers registered in the most current reemployment assistance ~~unemployment compensation~~ database. Such notice shall be mailed by November 15 of each year using the addresses included in the database. Employers are responsible for maintaining current address information in the reemployment assistance ~~unemployment compensation~~ database. The

Department of Economic Opportunity is not responsible for failure to provide notice due to incorrect or incomplete address information in the database. The Department of Economic Opportunity shall provide the Department of Revenue with the adjusted state minimum wage rate information and effective date in a timely manner.

Section 74. Paragraph (e) of subsection (2) of section 450.31, Florida Statutes, is amended to read:

450.31 Issuance, revocation, and suspension of, and refusal to issue or renew, certificate of registration.—

(2) The department may revoke, suspend, or refuse to issue or renew any certificate of registration when it is shown that the farm labor contractor has:

(e) Failed to pay reemployment assistance ~~unemployment compensation~~ taxes as determined by the Department of Economic Opportunity; or

Section 75. Subsection (9) of section 450.33, Florida Statutes, is amended to read:

450.33 Duties of farm labor contractor.—Every farm labor contractor must:

(9) Comply with all applicable statutes, rules, and regulations of the United States and of the State of Florida for the protection or benefit of labor, including, but not limited to, those providing for wages, hours, fair labor standards, social security, workers' compensation, reemployment assistance or unemployment compensation, child labor, and transportation.

Section 76. Subsections (1) and (3) of section 468.529, Florida Statutes, are amended to read:

468.529 Licensee's insurance; employment tax; benefit plans.—

(1) A licensed employee leasing company is the employer of the leased employees, except that this provision is not intended to affect the determination of any issue arising under Pub. L. No. 93-406, the Employee Retirement Income Security Act, as amended from time to time. An employee leasing company shall be responsible for timely payment of reemployment assistance ~~unemployment~~ taxes pursuant to chapter 443, and shall be responsible for providing workers' compensation coverage pursuant to chapter 440. However, no licensed employee leasing company shall sponsor a plan of self-insurance for health benefits, except as may be permitted by the provisions of the Florida Insurance Code or, if applicable, by Pub. L. No. 93-406, the Employee Retirement Income Security Act, as amended from time to time. For purposes of this section, a "plan of self-insurance" shall exclude any arrangement where an admitted insurance carrier has issued a policy of insurance primarily responsible for the obligations of the health plan.

(3) A licensed employee leasing company shall within 30 days after initiation or termination notify its workers' compensation insurance carrier, the Division of Workers' Compensation of the Department of Financial Services, and the state agency providing reemployment assistance ~~unemployment~~ tax collection services under contract with the Department of Economic Opportunity through an interagency agreement pursuant to s. 443.1316 of both the initiation or the termination of the company's relationship with any client company.

Section 77. Subsection (8) of section 553.791, Florida Statutes, is amended to read:

553.791 Alternative plans review and inspection.—

(8) A private provider performing required inspections under this section shall inspect each phase of construction as required by the applicable codes. The private provider shall be permitted to send a duly authorized representative to the building site to perform the required inspections, provided all required reports are prepared by and bear the signature of the private provider or the private provider's duly authorized representative. The duly authorized representative must be an employee of the private provider entitled to receive reemployment assistance ~~unemployment compensation~~ benefits under chapter 443. The contractor's contractual or legal obligations are not relieved by any action of the private provider.

Section 78. Paragraph (b) of subsection (5) of section 624.509, Florida Statutes, is amended to read:

624.509 Premium tax; rate and computation.—

(5)

(b) For purposes of this subsection:

1. The term "salaries" does not include amounts paid as commissions.

2. The term "employees" does not include independent contractors or any person whose duties require that the person hold a valid license under the Florida Insurance Code, except adjusters, managing general agents, and service representatives, as defined in s. 626.015.

3. The term "net tax" means the tax imposed by this section after applying the calculations and credits set forth in subsection (4).

4. An affiliated group of corporations that created a service company within its affiliated group on July 30, 2002, shall allocate the salary of each service company employee covered by contracts with affiliated group members to the companies for which the employees perform services. The salary allocation is based on the amount of time during the tax year that the individual employee spends performing services or otherwise working for each company over the total amount of time the employee spends performing services or otherwise working for all companies. The total amount of salary allocated to an insurance company within the affiliated group shall be included as that insurer's employee salaries for purposes of this section.

a. Except as provided in subparagraph (a)2., the term "affiliated group of corporations" means two or more corporations that are entirely owned by a single corporation and that constitute an affiliated group of corporations as defined in s. 1504(a) of the Internal Revenue Code.

b. The term "service company" means a separate corporation within the affiliated group of corporations whose employees provide services to affiliated group members and which are treated as service company employees for reemployment assistance or unemployment compensation and common law purposes. The holding company of an affiliated group may not qualify as a service company. An insurance company may not qualify as a service company.

c. If an insurance company fails to substantiate, whether by means of adequate records or otherwise, its eligibility to claim the service company exception under this section, or its salary allocation under this section, no credit shall be allowed.

5. A service company that is a subsidiary of a mutual insurance holding company, which mutual insurance holding company was in existence on or before January 1, 2000, shall allocate the salary of each service company employee covered by contracts with members of the mutual insurance holding company system to the companies for which the employees perform services. The salary allocation is based on the ratio of the amount of time during the tax year which the individual employee spends performing services or otherwise working for each company to the total amount of time the employee spends performing services or otherwise working for all companies. The total amount of salary allocated to an insurance company within the mutual insurance holding company system shall be included as that insurer's employee salaries for purposes of this section. However, this subparagraph does not apply for any tax year unless funds sufficient to offset the anticipated salary credits have been appropriated to the General Revenue Fund prior to the due date of the final return for that year.

a. The term "mutual insurance holding company system" means two or more corporations that are subsidiaries of a mutual insurance holding company and in compliance with part IV of chapter 628.

b. The term "service company" means a separate corporation within the mutual insurance holding company system whose employees provide services to other members of the mutual insurance holding company system and are treated as service company employees for reemployment assistance or unemployment compensation and common-law purposes. The mutual insurance holding company may not qualify as a service company.

c. If an insurance company fails to substantiate, whether by means of adequate records or otherwise, its eligibility to claim the service company exception under this section, or its salary allocation under this section, no credit shall be allowed.

Section 79. Paragraph (c) of subsection (8) of section 679.4061, Florida Statutes, is amended to read:

679.4061 Discharge of account debtor; notification of assignment; identification and proof of assignment; restrictions on assignment of accounts, chattel paper, payment intangibles, and promissory notes ineffective.—

(8) This section is subject to law other than this chapter which establishes a different rule for an account debtor who is an individual and who incurred the

obligation primarily for personal, family, or household purposes. Subsections (4) and (6) do not apply to the creation, attachment, perfection, or enforcement of a security interest in:

(c) The interest of a debtor who is a natural person in reemployment assistance or unemployment, alimony, disability, pension, or retirement benefits or victim compensation funds.

Section 80. Paragraph (c) of subsection (6) of section 679.4081, Florida Statutes, is amended to read:

679.4081 Restrictions on assignment of promissory notes, health-care-insurance receivables, and certain general intangibles ineffective.—

(6) Subsections (1) and (3) do not apply to the creation, attachment, perfection, or enforcement of a security interest in:

(c) The interest of a debtor who is a natural person in reemployment assistance or unemployment, alimony, disability, pension, or retirement benefits or victim compensation funds.

Section 81. Paragraph (a) of subsection (1) of section 895.02, Florida Statutes, is amended to read:

895.02 Definitions.—As used in ss. 895.01-895.08, the term:

(1) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime that is chargeable by petition, indictment, or information under the following provisions of the Florida Statutes:

1. Section 210.18, relating to evasion of payment of cigarette taxes.

2. Section 316.1935, relating to fleeing or attempting to elude a law enforcement officer and aggravated fleeing or eluding.

3. Section 403.727(3)(b), relating to environmental control.

4. Section 409.920 or s. 409.9201, relating to Medicaid fraud.

5. Section 414.39, relating to public assistance fraud.

6. Section 440.105 or s. 440.106, relating to workers' compensation.

7. Section 443.071(4), relating to creation of a fictitious employer scheme to commit reemployment assistance ~~unemployment compensation~~ fraud.

8. Section 465.0161, relating to distribution of medicinal drugs without a permit as an Internet pharmacy.

9. Section 499.0051, relating to crimes involving contraband and adulterated drugs.

10. Part IV of chapter 501, relating to telemarketing.

11. Chapter 517, relating to sale of securities and investor protection.

12. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.

13. Chapter 550, relating to jai alai frontons.

14. Section 551.109, relating to slot machine gaming.

15. Chapter 552, relating to the manufacture, distribution, and use of explosives.

16. Chapter 560, relating to money transmitters, if the violation is punishable as a felony.

17. Chapter 562, relating to beverage law enforcement.

18. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

19. Section 655.50, relating to reports of currency transactions, when such violation is punishable as a felony.

20. Chapter 687, relating to interest and usurious practices.

21. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

22. Section 775.13(5)(b), relating to registration of persons found to have committed any offense for the purpose of benefiting, promoting, or furthering the interests of a criminal gang.

23. Section 777.03, relating to commission of crimes by accessories after the fact.

24. Chapter 782, relating to homicide.

25. Chapter 784, relating to assault and battery.

26. Chapter 787, relating to kidnapping or human trafficking.

27. Chapter 790, relating to weapons and firearms.

28. Chapter 794, relating to sexual battery, but only if such crime was committed with the intent to benefit, promote, or further the interests of a

criminal gang, or for the purpose of increasing a criminal gang member's own standing or position within a criminal gang.

29. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s. 796.05, or s. 796.07, relating to prostitution and sex trafficking.

30. Chapter 806, relating to arson and criminal mischief.

31. Chapter 810, relating to burglary and trespass.

32. Chapter 812, relating to theft, robbery, and related crimes.

33. Chapter 815, relating to computer-related crimes.

34. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.

35. Chapter 825, relating to abuse, neglect, or exploitation of an elderly person or disabled adult.

36. Section 827.071, relating to commercial sexual exploitation of children.

37. Chapter 831, relating to forgery and counterfeiting.

38. Chapter 832, relating to issuance of worthless checks and drafts.

39. Section 836.05, relating to extortion.

40. Chapter 837, relating to perjury.

41. Chapter 838, relating to bribery and misuse of public office.

42. Chapter 843, relating to obstruction of justice.

43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

44. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.

45. Chapter 874, relating to criminal gangs.

46. Chapter 893, relating to drug abuse prevention and control.

47. Chapter 896, relating to offenses related to financial transactions.

48. Sections 914.22 and 914.23, relating to tampering with or harassing a witness, victim, or informant, and retaliation against a witness, victim, or informant.

49. Sections 918.12 and 918.13, relating to tampering with jurors and evidence.

Section 82. Paragraph (g) of subsection (8) of section 896.101, Florida Statutes, is amended to read:

896.101 Florida Money Laundering Act; definitions; penalties; injunctions; seizure warrants; immunity.—

(8)

(g)1. Upon service of the temporary order served pursuant to this section, the petitioner shall immediately notify by certified mail, return receipt requested, or by personal service, both the person or entity in possession of the monetary instruments or funds and the owner of the monetary instruments or funds if known, of the order entered pursuant to this section and that the lawful owner of the monetary instruments or funds being enjoined may request a hearing to contest and modify the order entered pursuant to this section by petitioning the court that issued the order, so that such notice is received within 72 hours.

2. The notice shall advise that the hearing shall be held within 3 days of the request, and the notice must state that the hearing will be set and noticed by the person against whom the order is served.

3. The notice shall specifically state that the lawful owner has the right to produce evidence of legitimate business expenses, obligations, and liabilities, including but not limited to, employee payroll expenses verified by current ~~reemployment assistance~~ ~~unemployment compensation~~ records, employee workers' compensation insurance, employee health insurance, state and federal taxes, and regulatory or licensing fees only as may become due before the expiration of the temporary order.

4. Upon determination by the court that the expenses are valid, payment of such expenses may be effected by the owner of the enjoined monetary instruments or funds only to the court-ordered payees through court-reviewed checks, issued by the owner of, and the person or entity in possession of, the enjoined monetary instruments or funds. Upon presentment, the person or entity in possession of the enjoined funds or monetary instruments shall only honor the payment of the check to the court-ordered payee.

Section 83. Paragraph (a) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(a) LEVEL 1

Florida Statute

Felony Degree
Description

24.118(3)(a)

3rd

Counterfeit or altered state lottery ticket.

212.054(2)(b)

3rd

Discretionary sales surtax; limitations, administration, and collection.

212.15(2)(b)

3rd

Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.

316.1935(1)

3rd

Fleeing or attempting to elude law enforcement officer.

319.30(5)

3rd

Sell, exchange, give away certificate of title or identification number plate.

319.35(1)(a)

3rd

Tamper, adjust, change, etc., an odometer.

320.26(1)(a)

3rd

Counterfeit, manufacture, or sell registration license plates or validation stickers.

322.212 (1)(a)-(c)

3rd

Possession of forged, stolen, counterfeit, or unlawfully issued driver's license; possession of simulated identification.

322.212(4)

3rd

Supply or aid in supplying unauthorized driver's license or identification card.

812.081(2)

3rd

Unlawfully makes or causes to be made a reproduction of a trade secret.

322.212(5)(a)

3rd

False application for driver's license or identification card.

815.04(4)(a)

3rd

Offense against intellectual property (i.e., computer programs, data).

414.39(2)

3rd

Unauthorized use, possession, forgery, or alteration of food assistance program, Medicaid ID, value greater than \$200.

817.52(2)

3rd

Hiring with intent to defraud, motor vehicle services.

414.39(3)(a)

3rd

Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.

817.569(2)

3rd

Use of public record or public records information to facilitate commission of a felony.

443.071(1)

3rd

False statement or representation to obtain or increase reemployment assistance ~~unemployment compensation~~ benefits.

826.01

3rd

Bigamy.

509.151(1)

3rd

Defraud an innkeeper, food or lodging value greater than \$300.

828.122(3)

3rd

Fighting or baiting animals.

517.302(1)

3rd

Violation of the Florida Securities and Investor Protection Act.

831.04(1)

3rd

Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.

562.27(1)

3rd

Possess still or still apparatus.

831.31(1)(a)

3rd

Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.

713.69

3rd

Tenant removes property upon which lien has accrued, value more than \$50.

832.041(1)

3rd

Stopping payment with intent to defraud \$150 or more.

812.014(3)(c)

3rd

Petit theft (3rd conviction); theft of any property not specified in subsection (2).

832.05(2)(b) & (4)(c)

3rd

Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.

838.15(2)	3rd		893.13(6)(a)	3rd	
Commercial bribe receiving.			Possession of cannabis (more than 20 grams).		
838.16	3rd		934.03(1)(a)	3rd	
Commercial bribery.			Intercepts, or procures any other person to intercept, any wire or oral communication.		
843.18	3rd		Section 84. Subsection (2) of section 946.513, Florida Statutes, is amended to read:		
Fleeing by boat to elude a law enforcement officer.			946.513 Private employment of inmates; disposition of compensation received.—		
847.011(1)(a)	3rd		(2) No inmate is eligible for <u>reemployment assistance benefits</u> unemployment compensation , whether employed by the corporation or by any other private enterprise operating on the grounds of a correctional institution or elsewhere, when such employment is part of a correctional work program or work-release program of either the corporation or the department.		
Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).			Section 85. Subsection (2) of section 946.523, Florida Statutes, is amended to read:		
849.01	3rd		946.523 Prison industry enhancement (PIE) programs.—		
Keeping gambling house.			(2) Notwithstanding any other law to the contrary, including s. 440.15(8), private sector employers shall provide workers' compensation coverage to inmates who participate in prison industry enhancement (PIE) programs under subsection (1). However, inmates are not entitled to <u>reemployment assistance benefits</u> unemployment compensation .		
849.09(1)(a)-(d)	3rd		Section 86. Paragraph (c) of subsection (5) of section 985.618, Florida Statutes, is amended to read:		
Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.			985.618 Educational and career-related programs.—		
849.23	3rd		(5)		
Gambling-related machines; "common offender" as to property rights.			(c) Notwithstanding any other law to the contrary, including s. 440.15(8), private sector employers shall provide juveniles participating in juvenile work programs under paragraph (b) with workers' compensation coverage, and juveniles shall be entitled to the benefits of such coverage. Nothing in this subsection shall be construed to allow juveniles to participate in <u>reemployment assistance</u> unemployment compensation benefits.		
849.25(2)	3rd		Section 87. Subsection (3) of section 1003.496, Florida Statutes, is amended to read:		
Engaging in bookmaking.			1003.496 High School to Business Career Enhancement Program.—		
860.08	3rd		(3) Employment under this section of a student intern who meets the criteria of s. 443.1216(13)(q) is not employment for purposes of <u>reemployment assistance</u> unemployment compensation under chapter 443.		
Interfere with a railroad signal.			Section 88. Subsection (3) of section 1008.39, Florida Statutes, is amended to read:		
860.13(1)(a)	3rd		1008.39 Florida Education and Training Placement Information Program.—		
Operate aircraft while under the influence.			(3) The Florida Education and Training Placement Information Program must not make public any information that could identify an individual or the individual's employer. The Department of Education must ensure that the purpose of obtaining placement information is to evaluate and improve public programs or to conduct research for the purpose of improving services to the individuals whose social security numbers are used to identify their placement. If an agreement assures that this purpose will be served and that privacy will be protected, the Department of Education shall have access to the <u>reemployment assistance</u> unemployment insurance wage reports maintained by the Department of Economic Opportunity, the files of the Department of Children and Family Services that contain information about the distribution of public assistance, the files of the Department of Corrections that contain records of incarcerations, and the files of the Department of Business and Professional Regulation that contain the results of licensure examination.		
893.13(2)(a)2.	3rd				
Purchase of cannabis.					

Section 89. Paragraph (b) of subsection (1) of section 1008.41, Florida Statutes, is amended to read:

1008.41 Workforce education; management information system.—

(1) The Commissioner of Education shall coordinate uniform program structures, common definitions, and uniform management information systems for workforce education for all divisions within the department. In performing these functions, the commissioner shall designate deadlines after which data elements may not be changed for the coming fiscal or school year. School districts and Florida College System institutions shall be notified of data element changes at least 90 days prior to the start of the subsequent fiscal or school year. Such systems must provide for:

(b) Compliance with state and federal confidentiality requirements, except that the department shall have access to the reemployment assistance ~~unemployment insurance~~ wage reports to collect and report placement information about former students. Such placement reports must not disclose the individual identities of former students.

Section 90. Notwithstanding the expiration date contained in section 13 of chapter 2011-235, Laws of Florida, operating retroactive to January 4, 2012, and expiring January 5, 2013, section 443.1117, Florida Statutes, is revived, readopted, and amended to read:

443.1117 Temporary extended benefits.—

(1) APPLICABILITY OF EXTENDED BENEFITS STATUTE.—Except if the result is inconsistent with other provisions of this section, s. 443.1115(2), (3), (4), (6), and (7) apply to all claims covered by this section.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Regular benefits" and "extended benefits" have the same meaning as in s. 443.1115.

(b) "Eligibility period" means the weeks in an individual's benefit year or emergency benefit period which begin in an extended benefit period and, if the benefit year or emergency benefit period ends within that extended benefit period, any subsequent weeks beginning in that period.

(c) "Emergency benefits" means benefits ~~Emergency Unemployment Compensation~~ paid pursuant to Pub. L. No. 110-252, and any subsequent federal law that provides for the payment of Emergency Unemployment Compensation ~~Pub. L. No. 110-449, Pub. L. No. 111-5, Pub. L. No. 111-92, Pub. L. No. 111-118, Pub. L. No. 111-144, Pub. L. No. 111-157, Pub. L. No. 111-205, and Pub. L. No. 111-312.~~

(d) "Extended benefit period" means a period that:

1. Begins with the third week after a week for which there is a state "on" indicator; and

2. Ends with any of the following weeks, whichever occurs later:

a. The third week after the first week for which there is a state "off" indicator; or

b. The 13th consecutive week of that period.

However, an extended benefit period may not begin by reason of a state "on" indicator before the 14th week after the end of a prior extended benefit period that was in effect for this state.

(e) "Emergency benefit period" means the period during which an individual receives emergency benefits.

(f) "Exhaustee" means an individual who, for any week of unemployment in her or his eligibility period:

1. Has received, before that week, all of the regular benefits and emergency benefits, if any, available under this chapter or any other law, including dependents' allowances and benefits payable to federal civilian employees and ex-servicemembers under 5 U.S.C. ss. 8501-8525, in the current benefit year or emergency benefit period that includes that week. For the purposes of this subparagraph, an individual has received all of the regular benefits and emergency benefits, if any, available even if, as a result of a pending appeal for wages paid for insured work which were not considered in the original monetary determination in the benefit year, she or he may subsequently be determined to be entitled to added regular benefits;

2. Had a benefit year that expired before that week, and was paid no, or insufficient, wages for insured work on the basis of which she or he could establish a new benefit year that includes that week; and

3.a. Has no right to unemployment benefits or allowances under the Railroad Unemployment Insurance Act or other federal laws as specified in regulations issued by the United States Secretary of Labor; and

b. Has not received and is not seeking unemployment benefits under the unemployment compensation law of Canada; but if an individual is seeking those benefits and the appropriate agency finally determines that she or he is not entitled to benefits under that law, she or he is considered an exhaustee.

(g) "State 'on' indicator" means, with respect to weeks of unemployment ending on or before December 8, 2012 ~~December 10, 2011~~, the occurrence of a week in which the average total unemployment rate, seasonally adjusted, as determined by the United States Secretary of Labor, for the most recent 3 months for which data for all states are published by the United States Department of Labor:

1. Equals or exceeds 110 percent of the average of those rates for the corresponding 3-month period ending in any or all of the preceding 3 calendar years; and

2. Equals or exceeds 6.5 percent.

(h) "High unemployment period" means, with respect to weeks of unemployment ending on or before December 8, 2012 ~~December 10, 2011~~, any week in which the average total unemployment rate, seasonally adjusted, as determined by the United States Secretary of Labor, for the most recent 3 months for which data for all states are published by the United States Department of Labor:

1. Equals or exceeds 110 percent of the average of those rates for the corresponding 3-month period ending in any or all of the preceding 3 calendar years; and

2. Equals or exceeds 8 percent.

(i) "State 'off' indicator" means the occurrence of a week in which there is no state "on" indicator or which does not constitute a high unemployment period.

(3) TOTAL EXTENDED BENEFIT AMOUNT.—Except as provided in subsection (4):

(a) For any week for which there is an "on" indicator pursuant to paragraph (2)(g), the total extended benefit amount payable to an eligible individual for her or his applicable benefit year is the lesser of:

1. Fifty percent of the total regular benefits payable under this chapter in the applicable benefit year; or

2. Thirteen times the weekly benefit amount payable under this chapter for a week of total unemployment in the applicable benefit year.

(b) For any high unemployment period, the total extended benefit amount payable to an eligible individual for her or his applicable benefit year is the lesser of:

1. Eighty percent of the total regular benefits payable under this chapter in the applicable benefit year; or

2. Twenty times the weekly benefit amount payable under this chapter for a week of total unemployment in the applicable benefit year.

(4) EFFECT ON TRADE READJUSTMENT.—Notwithstanding any other provision of this chapter, if the benefit year of an individual ends within an extended benefit period, the number of weeks of extended benefits the individual is entitled to receive in that extended benefit period for weeks of unemployment beginning after the end of the benefit year, except as provided in this section, is reduced, but not to below zero, by the number of weeks for which the individual received, within that benefit year, trade readjustment allowances under the Trade Act of 1974, as amended.

Section 91. The provisions of s. 443.1117, Florida Statutes, as revived, readopted, and amended by this act, apply only to claims for weeks of unemployment in which an exhaustee establishes entitlement to extended benefits pursuant to that section which are established for the period between January 4, 2012, and January 5, 2013.

Section 92. The Department of Economic Opportunity shall convene a work group to study Florida's reemployment assistance contribution calculation as specified in s. 443.131, Florida Statutes, and other related law.

(1) The work group shall consist of 10 members as follows:

(a) The executive director of the Department of Economic Opportunity, or his or her designee, who shall serve as the chair of the work group.

(b) The executive director of the Department of Revenue, or his or her designee.

(c) Four representatives of the business community, two of whom shall represent small businesses, to be appointed by joint agreement of the executive directors of the departments.

(d) The director of the Division of Workforce Services within the Department of Economic Opportunity, or his or her designee.

(e) The program director of the General Tax Administration Program Office within the Department of Revenue, or his or her designee.

(f) A member of the Senate designated by the President of the Senate.

(g) A member of the House of Representatives designated by the Speaker of the House of Representatives.

(2) The work group shall convene its first meeting by July 15, 2012. Thereafter, the chair of the work group shall call a meeting as often as necessary to carry out the provisions of this section. The Department of Economic Opportunity shall keep a complete record of the proceedings of each meeting, which includes the names of the members present at each meeting and the actions taken. The records shall be public records pursuant to chapter 119, Florida Statutes. A quorum shall consist of a majority of the group members. Members of the group shall not receive compensation.

(3) The purpose of the work group is to study Florida's reemployment assistance contribution calculation and provide recommendations to the Legislature for changes to the calculation designed to ensure the long-term solvency of the reemployment assistance program while promoting equitable, minimal tax burdens on Florida employers. The recommendations shall be limited to changes to the calculation and related law and shall not include changes to eligibility for benefits or any other portion of the reemployment assistance program. The work group may review the laws of other states to develop recommendations appropriate to Florida.

(4) Relevant staff from the Department of Economic Opportunity and the Department of Revenue who are knowledgeable in the subject area may be assigned to assist the work group. The President of the Senate and the Speaker of the House of Representatives may also assign their respective staff to provide technical guidance and assistance to the work group in the development of alternative proposals.

(5) Members of the work group are entitled to reimbursement for travel and per diem expenses, as provided in s. 112.061, Florida Statutes, while performing their duties under this section. Travel and per diem expenses of work group members and other staff who are state employees shall be reimbursed by the respective state agency employing the member or staff. The Department of Economic Opportunity and the Department of Revenue shall jointly provide administrative support for the work group, shall pay equally for travel and per diem expenses of work group members who are not state employees, and shall pay equally any other operational expenses of the work group as deemed reasonable and appropriate by joint agreement of the executive directors of the departments.

(6) The findings and recommendations of the work group shall be submitted to the Legislature by December 31, 2012.

(7) This section expires January 31, 2013.

Section 93. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provision of the act are severable.

Section 94. The Legislature finds that this act fulfills an important state interest.

Section 95. There is appropriated to the Department of Economic Opportunity from the Employment Security Administration Trust Fund \$346,463 for the 2011-2012 fiscal year and \$100,884 for the 2012-2013 fiscal year, which funds shall be used to contract with the Department of Revenue to implement the provisions of this act. There is appropriated to the Department of Revenue from the Federal Grants Fund \$346,463 for the 2011-2012 fiscal year and \$100,884 for the 2012-2013 fiscal year to implement the provisions of this act. This section shall be effective upon this act becoming a law.

Section 96. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2012.

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to unemployment compensation; amending s. 443.011, F.S.; revising a short title to rename "unemployment compensation" as "reemployment assistance"; amending s. 443.012, F.S.; renaming the Unemployment Appeals Commission as the Reemployment Assistance Appeals Commission; amending s. 443.036, F.S.; providing a definition for the term "reemployment assistance"; revising references to conform to changes made by the act; amending s. 443.071, F.S.; specifying what constitutes prima facie evidence that the person claimed and received reemployment assistance from the state through transaction history and payment; revising references to conform to changes made by the act; amending s. 443.091, F.S.; providing scoring requirements relating to initial skills reviews; providing for workforce training for certain eligible claimants; requiring the development and use of best practices; providing reporting requirements; providing work search requirements for certain claimants; revising references to conform to changes made by the act; providing for the applicability of certain exceptions relating to benefits based on employment with a private employer under contract with an educational institution; amending s. 443.101, F.S.; clarifying how a disqualification for benefits for fraud is imposed; revising references to conform to changes made by the act; amending s. 443.1216, F.S.; providing that employee leasing companies may make a one-time election to report leased employees under the respective unemployment account of each leasing company client; providing procedures and application for such election; revising references to conform to the changes made by this act; amending s. 443.1217, F.S.; reducing the amount of an employee's wages that are exempt from the employer's contribution to the Unemployment Compensation Trust Fund for a certain period of time; amending s. 443.131, F.S.; revising the rate and recoupment period for computing the employer contribution to the trust fund until January 1, 2018; providing for retroactive application; prohibiting benefits from being charged to the employment record of an employer that is forced to lay off workers as a result of a manmade disaster of national significance; revising references to conform to changes made by the act; amending s. 443.151, F.S.; revising the statute of limitations related to the collection of unemployment compensation benefits overpayments; revising references to conform to changes made by the act; amending s. 443.171, F.S.; deleting an exemption from public records requirements for unemployment compensation records and reports; revising references to conform to changes made by the act; amending s. 443.1715, F.S.; revising an exemption from public records requirements for unemployment compensation records and reports; revising references to conform to changes made by the act; amending ss. 20.60, 27.52, 40.24, 45.031, 55.204, 57.082, 61.046, 61.1824, 61.30, 69.041, 77.041, 110.205, 110.502, 120.80, 125.9502, 212.096, 213.053, 216.292, 220.03, 220.181, 220.191, 220.194, 222.15, 222.16, 255.20, 288.075, 288.1045, 288.106, 288.1081, 288.1089, 334.30, 408.809, 409.2563, 409.2576, 414.295, 435.06, 440.12, 440.15, 440.381, 440.42, 443.051, 443.111, 443.1113, 443.1116, 443.1215, 443.1312, 443.1313, 443.1315, 443.1316, 443.1317, 443.141, 443.163, 443.17161, 443.181, 443.191, 443.221, 445.009, 445.016, 446.50, 448.110, 450.31, 450.33, 468.529, 553.791, 624.509, 679.4061, 679.4081, 895.02, 896.101, 921.0022, 946.513, 946.523, 985.618, 1003.496, 1008.39, and 1008.41, F.S.; revising references to conform to changes made by the act; reviving, readopting, and amending s. 443.1117, F.S., relating to temporary extended benefits; providing for retroactive application; providing for applicability relating to extended benefits for certain weeks and for periods of high unemployment; providing for applicability; creating a work group to study Florida's reemployment assistance contribution calculation and provide recommendations; providing for membership; providing for reimbursement; providing for future expiration; providing for severability; providing that the act fulfills an important state interest; providing appropriations for purposes of implementation; providing effective dates.

Rep. Holder moved that the House concur in **Senate Amendment 1.**

Motion

===== TITLE AMENDMENT =====
And the title is amended as follows:

Rep. [Waldman](#) moved that pursuant to Rule 11.12 the bill be referred to a committee based upon the fiscal impact of the bill. The motion was not agreed to.

The question recurred on the motion to concur in **Senate Amendment 1** which was adopted. The vote was:

Session Vote Sequence: 1163

Speaker Cannon in the Chair.

Yeas—97

Abruzzo	Ford	Legg	Rehwinkel Vasilinda
Adkins	Fresen	Logan	Renuart
Ahern	Frishe	Lopez-Cantera	Roberson, K.
Albritton	Fullwood	Mayfield	Rooney
Artiles	Gaetz	McBurney	Rouson
Aubuchon	Garcia	McKeel	Sands
Baxley	Gibbons	Metz	Saunders
Bembry	Glorioso	Moraitis	Schenck
Bileca	Gonzalez	Nehr	Smith
Boyd	Goodson	Nelson	Snyder
Brandes	Grant	Nuñez	Soto
Brodeur	Grimsley	O'Toole	Stargel
Broxson	Hager	Oliva	Steube
Burgin	Harrell	Passidomo	Tobia
Caldwell	Harrison	Patronis	Trujillo
Cannon	Holder	Perman	Van Zant
Coley	Hooper	Perry	Weatherford
Corcoran	Horner	Pilon	Weinstein
Costello	Hudson	Plakon	Williams, T.
Crisafulli	Hukill	Porter	Wood
Davis	Ingram	Porth	Workman
Diaz	Jones	Precourt	Young
Dorworth	Julien	Proctor	
Drake	Kiar	Randolph	
Eisnaugle	Kreegel	Ray	

Nays—22

Berman	Clemens	Rogers	Thurston
Bernard	Cruz	Schwartz	Waldman
Bullard	Jenne	Slosberg	Watson
Campbell	Kriseman	Stafford	Williams, A.
Chestnut	Pafford	Taylor	
Clarke-Reed	Reed	Thompson, G.	

The question recurred on the passage of **CS/HB 7027**. The vote was:

Session Vote Sequence: 1164

Speaker Cannon in the Chair.

Yeas—108

Abruzzo	Coley	Grant	McKeel
Adkins	Corcoran	Grimsley	Metz
Ahern	Costello	Hager	Moraitis
Albritton	Crisafulli	Harrell	Nehr
Artiles	Cruz	Harrison	Nelson
Aubuchon	Davis	Holder	Nuñez
Baxley	Diaz	Hooper	O'Toole
Bembry	Dorworth	Horner	Oliva
Berman	Drake	Hudson	Passidomo
Bernard	Eisnaugle	Hukill	Patronis
Bileca	Ford	Ingram	Perman
Boyd	Fresen	Jones	Perry
Brandes	Frishe	Julien	Pilon
Brodeur	Fullwood	Kiar	Plakon
Broxson	Gaetz	Kreegel	Porter
Burgin	Garcia	Legg	Porth
Caldwell	Gibbons	Logan	Precourt
Cannon	Glorioso	Lopez-Cantera	Proctor
Chestnut	Gonzalez	Mayfield	Randolph
Clarke-Reed	Goodson	McBurney	Ray

Reed	Sands	Stargel	Weatherford
Rehwinkel Vasilinda	Saunders	Steube	Weinstein
Renuart	Schenck	Taylor	Williams, A.
Roberson, K.	Slosberg	Tobia	Williams, T.
Rogers	Smith	Trujillo	Wood
Rooney	Snyder	Van Zant	Workman
Rouson	Soto	Waldman	Young

Nays—11

Bullard	Jenne	Schwartz	Thurston
Campbell	Kriseman	Stafford	Watson
Clemens	Pafford	Thompson, G.	

Votes after roll call:

Nays to Yeas—Campbell

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

Conference Committee Reports

A portion of Session time on Thursday, March 8 was used for the introduction, question and answer period, and debate on the conference committee reports related to the GAA as per the special debate procedures adopted by the House on Thursday, March 8.

THE SPEAKER PRO TEMPORE IN THE CHAIR

REPRESENTATIVE SNYDER IN THE CHAIR

REPRESENTATIVE SCHENCK IN THE CHAIR

Special Debate Procedures

Rep. Aubuchon announced that the House would defer the last debate segments and the close for **HB 5001**, and the questions and answers segment for **HB 5003** until tomorrow.

THE SPEAKER IN THE CHAIR

Messages from the Senate

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for CS for HB 1163, with 1 amendment, and requests the concurrence of the House.

Debbie Brown, Secretary

CS/CS/CS/HB 1163—A bill to be entitled An act relating to adoption; amending s. 39.802, F.S.; requiring the Department of Children and Family Services to inform the parents of a child of the availability of private placement of the child with an adoption entity in certain circumstances; amending s. 63.022, F.S.; revising legislative intent to delete reference to reporting requirements for placements of minors and exceptions; amending s. 63.032, F.S.; revising definitions; amending s. 63.037, F.S.; exempting adoption proceedings initiated under chapter 39, F.S., from a requirement for a search of the Florida Putative Father Registry; amending s. 63.039, F.S.; providing that all adoptions of minor children require the use of an adoption entity that will assume the responsibilities provided in specified provisions; providing an exception; amending s. 63.0423, F.S.; revising procedures with respect to surrendered infants; providing that an infant who tests positive for illegal drugs, narcotic prescription drugs, alcohol, or other substances, but shows no other signs of child abuse or neglect, shall be placed in the custody of a licensed child-placing agency; providing that a specified reporting requirement is not superseded; providing that when the Department of Children and Family Services is contacted regarding a surrendered infant

who does not appear to have been the victim of actual or suspected child abuse or neglect, it shall provide instruction to contact a licensed child-placing agency and may not take custody of the infant; providing an exception; revising provisions relating to scientific testing to determine the paternity or maternity of a minor; amending s. 63.0427, F.S.; prohibiting a court from increasing contact between an adopted child and siblings, birth parents, or other relatives without the consent of the adoptive parent or parents; amending s. 63.052, F.S.; deleting a requirement that a minor be permanently committed to an adoption entity in order for the entity to be guardian of the person of the minor; limiting the circumstances in which an intermediary may remove a child; providing that an intermediary does not become responsible for a minor child's medical bills that were incurred before taking physical custody of the child; providing additional placement options for a minor surrendered to an adoption entity for subsequent adoption when a suitable prospective adoptive home is not available; amending s. 63.053, F.S.; requiring that an unmarried biological father strictly comply with specified provisions in order to protect his interests; amending s. 63.054, F.S.; authorizing submission of an alternative document to the Office of Vital Statistics by the petitioner in each proceeding for termination of parental rights; providing that by filing a claim of paternity form the registrant expressly consents to paying for DNA testing; requiring that an alternative address designated by a registrant be a physical address; providing that the filing of a claim of paternity with the Florida Putative Father Registry does not relieve a person from compliance with specified requirements; amending s. 63.062, F.S.; revising requirements for when a minor's father must be served prior to termination of parental rights; requiring that an unmarried biological father comply with specified requirements in order for his consent to be required for adoption; revising such requirements; providing that the mere fact that a father expresses a desire to fulfill his responsibilities towards his child which is unsupported by acts evidencing this intent does not meet the requirements; providing for the sufficiency of an affidavit of nonpaternity; providing an exception to a condition to a petition to adopt an adult; amending s. 63.063, F.S.; conforming terminology; amending s. 63.082, F.S.; revising language concerning applicability of notice and consent provisions in cases in which the child is conceived as a result of a violation of criminal law; requiring notice to be provided to the father of a child alleged to be conceived as a result of a violation of criminal law if charges are not filed; providing that a criminal conviction is not required for the court to find that the child was conceived as a result of a violation of criminal law; requiring an affidavit of diligent search to be filed whenever a person who is required to consent is unavailable because the person cannot be located; providing that in an adoption of a stepchild or a relative, a certified copy of the death certificate of the person whose consent is required may be attached to the petition for adoption if a separate petition for termination of parental rights is not being filed; authorizing the execution of an affidavit of nonpaternity before the birth of a minor in preplanned adoptions; revising language of a consent to adoption; providing that a home study provided by the adoption entity shall be deemed to be sufficient except in certain circumstances; providing for a hearing if an adoption entity moves to intervene in a dependency case; requiring the court to provide information to prospective adoptive parents regarding parent training classes in the community upon determining the child dependent; requiring the department to file an acknowledgement of receipt of information; requiring the adoption entity to provide updates to the court at specified intervals; requiring the court to advise a biological parent who is a party to a dependency proceeding of the right to participate in a private adoption; revising language concerning seeking to revoke consent to an adoption of a child older than 6 months of age; providing that if the consent of one parent is set aside or revoked, any other consents executed by the other parent or a third party whose consent is required for the adoption of the child may not be used by the parent whose consent was revoked or set aside to terminate or diminish the rights of the other parent or third party; amending s. 63.085, F.S.; revising language of an adoption disclosure statement; requiring that a copy of a waiver by prospective adoptive parents of receipt of certain records must be filed with the court; amending s. 63.087, F.S.; specifying that a failure to personally appear at a proceeding to terminate parental rights constitutes grounds for termination; amending s. 63.088, F.S.; providing that in a termination of parental rights proceeding if a required inquiry that

identifies a father who has been adjudicated by a court as the father of the minor child before the date a petition for termination of parental rights is filed the inquiry must terminate at that point; amending s. 63.089, F.S.; specifying that it is a failure to personally appear that provides grounds for termination of parental rights in certain circumstances; providing additional grounds upon which a finding of abandonment may be made; revising provisions relating to dismissal of petitions to terminate parental rights; providing that contact between a parent seeking relief from a judgment terminating parental rights and a child may be awarded only in certain circumstances; providing for placement of a child in the event that a court grants relief from a judgment terminating parental rights and no new pleading is filed to terminate parental rights; amending s. 63.092, F.S.; requiring that a signed copy of the home study must be provided to the intended adoptive parents who were the subject of the study; amending s. 63.152, F.S.; authorizing an adoption entity to transmit a certified statement of the entry of a judgment of adoption to the state registrar of vital statistics; amending s. 63.162, F.S.; authorizing a birth parent to petition that court to appoint an intermediary or a licensed child-placing agency to contact an adult adoptee and advise both of the availability of the adoption registry and that the birth parent wishes to establish contact; amending s. 63.167, F.S.; requiring that the state adoption center provide contact information for all adoption entities in a caller's county or, if no adoption entities are located in the caller's county, the number of the nearest adoption entity when contacted for a referral to make an adoption plan; amending s. 63.202, F.S.; revising terminology in provisions relating to licensing by the department; amending s. 63.212, F.S.; restricting who may place a paid advertisement or paid listing of the person's telephone number offering certain adoption services; requiring of publishers of telephone directories to include certain statements at the beginning of any classified heading for adoption and adoption services; providing requirements for such advertisements; providing criminal penalties for violations; prohibiting the offense of adoption deception by a person who is a birth mother or a woman who holds herself out to be a birth mother; providing criminal penalties; providing liability by violators for certain damages; amending s. 63.213, F.S.; providing that a preplanned adoption arrangement does not constitute consent of a mother to place her biological child for adoption until 48 hours following birth; providing that a volunteer mother's right to rescind her consent in a preplanned adoption applies only when the child is genetically related to her; revising the definitions of the terms "child," "preplanned adoption arrangement," and "volunteer mother"; amending s. 63.222, F.S.; providing that provisions designated as remedial may apply to any proceedings pending on the effective date of the provisions; amending s. 63.2325, F.S.; revising terminology relating to revocation of consent to adoption; providing an effective date.

(Amendment Bar Code: 154434)

Senate Amendment 1 (with title amendment)—Delete lines 823 - 829 and insert:
lewd acts perpetrated upon a minor, or incest.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 76 - 85
and insert:
terminology; amending s. 63.082, F.S.; requiring an

On motion by Rep. Adkins, the House concurred in **Senate Amendment 1**.

The question recurred on the passage of **CS/CS/CS/HB 1163**. The vote was:

Session Vote Sequence: 1165

Speaker Cannon in the Chair.

Yeas—119

Abruzzo	Dorworth	Legg	Rogers
Adkins	Drake	Logan	Rooney
Ahern	Eisnaugle	Lopez-Cantera	Rouson
Albritton	Ford	Mayfield	Sands
Artiles	Fresen	McBurney	Saunders
Aubuchon	Frishe	McKeel	Schenck
Baxley	Fullwood	Metz	Schwartz
Bembry	Gaetz	Moraitis	Slosberg
Berman	Garcia	Nehr	Smith
Bernard	Gibbons	Nelson	Snyder
Bileca	Glorioso	Nuñez	Soto
Boyd	Gonzalez	O'Toole	Stafford
Brandes	Goodson	Oliva	Stargel
Brodeur	Grant	Pafford	Steube
Broxson	Grimsley	Passidomo	Taylor
Bullard	Hager	Patronis	Thompson, G.
Burgin	Harrell	Perman	Thurston
Caldwell	Harrison	Perry	Tobia
Campbell	Holder	Pilon	Trujillo
Cannon	Hooper	Plakon	Van Zant
Chestnut	Horner	Porter	Waldman
Clarke-Reed	Hudson	Porth	Watson
Clemens	Hukill	Precourt	Weatherford
Coley	Ingram	Proctor	Weinstein
Corcoran	Jenne	Randolph	Williams, A.
Costello	Jones	Ray	Williams, T.
Crisafulli	Julien	Reed	Wood
Cruz	Kiar	Rehwinkel Vasilinda	Workman
Davis	Kreegel	Renuart	Young
Diaz	Kriseman	Roberson, K.	

Nays—None

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has amended House Amendment 1 with Senate Amendment 1 and Senate Amendment 3, concurred in the same as amended, and passed CS for SB 730, as further amended, and requests the concurrence of the House.

Debbie Brown, Secretary

By the Committee on Health Regulation; and Senators Flores, Negron, and Gaetz—

CS/SB 730—A bill to be entitled An act relating to Medicaid managed care plans; amending s. 409.9122, F.S.; requiring the Agency for Health Care Administration to establish per-member, per-month payments; substituting the Medicare Advantage Coordinated Care Plan for the Medicare Advantage Special Needs Plan; amending s. 409.962, F.S.; revising the definition of “eligible plan” to include certain Medicare plans; amending s. 409.967, F.S.; limiting the penalty that a plan must pay if it leaves a region before the end of the contract term; amending s. 409.974, F.S.; correcting a cross-reference; providing that certain Medicare plans are not subject to procurement requirements or plan limits; amending s. 409.977, F.S.; requiring dually eligible Medicaid recipients to be enrolled in the Medicare plan in which they are already enrolled; amending s. 409.981, F.S.; revising the list of Medicare plans that are not subject to procurement requirements for long-term care plans; amending s. 409.984, F.S.; revising the list of Medicare plans in which dually eligible Medicaid recipients are enrolled in order to receive long-term care; providing an effective date.

(Amendment Bar Code: 401736)

Senate Amendment 1 to House Amendment 1 (504515) (with title amendment)—Between lines 4 and 5 insert:

Section 1. Effective May 12, 2012, subsection (15) is added to section 408.7056, Florida Statutes, to read:

408.7056 Subscriber Assistance Program.—

(15) This section applies only to prepaid health clinics certified under chapter 641, Florida Healthy Kids plans, and health plan health insurance policies or health maintenance contracts that meet the requirements of 45 C.F.R. s. 147.140, but only if the health plan does not elect to have all of its health insurance policies or health maintenance contracts subject to applicable internal grievance and external review processes by an independent review organization. A health plan must notify the agency in writing if it elects to have all of its health insurance policies or health maintenance contracts subject to such external review.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 496

and insert:

An act relating to Medicaid managed care; amending s. 408.7056, F.S.; specifying which health plan entities are subject to the subscriber assistance program; amending s.

Rep. Ingram, moved to concur in **Senate Amendment 1 to House Amendment 1**. Further consideration of **CS for SB 730**, with pending motion to concur, was temporarily postponed.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 307, with 1 amendment, and requests the concurrence of the House.

Debbie Brown, Secretary

HB 307—A bill to be entitled An act relating to the workers’ compensation certificate-of-exemption process; amending s. 440.02, F.S.; redefining the term “employee” for purposes of workers’ compensation; amending s. 440.05, F.S.; revising requirements relating to election of exemption from coverage to include applicability to members of limited liability companies; revising requirements for submitting a notice of election of exemption; revising duties of the Department of Financial Services relating to the expiration of certificates of exemption; expanding applicability of requirements relating to certificates of exemption; providing effective dates.

(Amendment Bar Code: 247306)

Senate Amendment 3 (with title amendment)—Delete lines 18 - 181 and insert:

Section 1. Effective January 1, 2013, subsection (9) of section 440.02, Florida Statutes, is amended to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(9) "Corporate officer" or "officer of a corporation" means any person who fills an office provided for in the corporate charter or articles of incorporation filed with the Division of Corporations of the Department of State or as permitted or required by chapter 607. ~~As to persons engaged in the construction industry,~~ The term "officer of a corporation" includes a member owning at least 10 percent of a limited liability company created and approved under chapter 608.

Section 2. Paragraph (b) of subsection (15) of section 440.02, Florida Statutes, is amended to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(15)

(b) "Employee" includes any person who is an officer of a corporation and who performs services for remuneration for such corporation within this state, whether or not such services are continuous.

1. Any officer of a corporation may elect to be exempt from this chapter by filing ~~written~~ notice of the election with the department as provided in s. 440.05.

2. As to officers of a corporation who are engaged in the construction industry, no more than three officers of a corporation or of any group of affiliated corporations may elect to be exempt from this chapter by filing a ~~written~~ notice of the election with the department as provided in s. 440.05. Officers must be shareholders, each owning at least 10 percent of the stock of such corporation and listed as an officer of such corporation with the Division of Corporations of the Department of State, in order to elect exemptions under this chapter. For purposes of this subparagraph, the term "affiliated" means and includes one or more corporations or entities, any one of which is a corporation engaged in the construction industry, under the same or substantially the same control of a group of business entities which are connected or associated so that one entity controls or has the power to control each of the other business entities. The term "affiliated" includes, but is not limited to, the officers, directors, executives, shareholders active in management, employees, and agents of the affiliated corporation. The ownership by one business entity of a controlling interest in another business entity or a pooling of equipment or income among business entities shall be prima facie evidence that one business is affiliated with the other.

3. An officer of a corporation who elects to be exempt from this chapter by filing a ~~written~~ notice of the election with the department as provided in s. 440.05 is not an employee.

Services are presumed to have been rendered to the corporation if the officer is compensated by other than dividends upon shares of stock of the corporation which the officer owns.

Section 3. Subsections (3) and (6) of section 440.05, Florida Statutes, are amended to read:

440.05 Election of exemption; revocation of election; notice; certification.—

(3) Each officer of a corporation who is engaged in the construction industry and who elects an exemption from this chapter or who, after electing such exemption, revokes that exemption, must ~~submit mail a written~~ notice to such effect to the department on a form prescribed by the department. ~~The notice of election to be exempt from the provisions of this chapter must be notarized and under oath.~~ The notice of election to be exempt which is electronically submitted to the department by the officer of a corporation who is allowed to claim an exemption as provided by this chapter must list the name, federal tax identification number, date of birth, Florida driver license number or Florida identification card number ~~social security number~~, all certified or registered licenses issued pursuant to chapter 489 held by the person seeking the exemption, ~~a copy of relevant documentation as to employment status filed with the Internal Revenue Service as specified by the department, a copy of the relevant occupational license in the primary jurisdiction of the business, and the registration number of the corporation filed with the Division of Corporations of the Department of State, and the percentage of ownership along with a copy of the stock certificate~~ evidencing the required ownership under this chapter. The notice of election to be exempt must identify each corporation that employs the person electing the exemption and must list the social security number or federal tax identification number of each such employer and the additional documentation required by this section. In addition, the notice of election to be exempt must provide that the officer electing an exemption is not entitled to benefits under this chapter, must provide that the election does not exceed exemption limits for officers provided in s. 440.02, and must certify that any employees of the corporation whose officer elects an exemption are covered by workers' compensation insurance. Upon receipt of the notice of the election to be exempt, receipt of all application fees, and a determination by the department that the notice meets the requirements of this subsection, the department shall issue a certification of the election to the officer, unless the department determines that the information contained in the notice is invalid. The department shall revoke a certificate of election to be exempt from coverage upon a determination by the department that the person does not meet the requirements for exemption or that the information contained in the notice of election to be exempt is invalid. The certificate of election must list the name

of the corporation listed in the request for exemption. A new certificate of election must be obtained each time the person is employed by a new or different corporation that is not listed on the certificate of election. A copy of the certificate of election must be sent to each workers' compensation carrier identified in the request for exemption. Upon filing a notice of revocation of election, an officer who is a subcontractor or an officer of a corporate subcontractor must notify her or his contractor. Upon revocation of a certificate of election of exemption by the department, the department shall notify the workers' compensation carriers identified in the request for exemption.

(6) A construction industry certificate of election to be exempt which is issued in accordance with this section shall be valid for 2 years after the effective date stated thereon. Both the effective date and the expiration date must be listed on the face of the certificate by the department. The construction industry certificate must expire at midnight, 2 years from its issue date, as noted on the face of the exemption certificate. A construction industry certificate of election to be exempt may be revoked before its expiration by the officer for whom it was issued or by the department for the reasons stated in this section. At least 60 days ~~before prior to~~ the expiration date of a construction industry certificate of exemption ~~issued after December 1, 1998~~, the department shall send notice of the expiration date ~~and an application for renewal~~ to the certificateholder at the address on the certificate or to the e-mail address on file with the department.

Section 4. Effective January 1, 2013, subsection (6) of section 440.05, Florida Statutes, as amended by this act, is amended to read:

440.05 Election of exemption; revocation of election; notice; certification.—

(6) A ~~construction industry~~ certificate of election to be exempt which is issued on or after January 1, 2013, in accordance with this section ~~is shall be~~ valid for 2 years after the effective date stated thereon. Both the effective date and the expiration date must be listed on the face of the certificate by the department. The ~~construction industry~~ certificate must expire at midnight, 2 years from its issue date, as noted on the face of the exemption certificate. A ~~construction industry~~ certificate of election to be exempt may be revoked before its expiration by the officer for whom it was issued or by the department for the reasons stated in this section. At least 60 days before the expiration date of a ~~construction industry~~ certificate of exemption, the department shall send notice of the expiration date to the certificateholder at the address on the certificate or to the e-mail address on file with the department.

Section 5. Subsection (15) is added to section 440.107, Florida Statutes, to read:

440.107 Department powers to enforce employer compliance with coverage requirements.—

(15) A limited liability company that is not engaged in the construction industry and that meets the definition of "employment" at any time between January 1, 2013, and December 31, 2013, may not be issued a penalty pursuant to this section for failing to secure the payment of workers' compensation.

Section 6. Section 627.215, Florida Statutes, is amended to read:

627.215 Excessive profits for ~~workers' compensation, employer's liability, commercial property; and commercial casualty insurance prohibited.~~—

(1)(a) Each insurer group writing ~~workers' compensation and employer's liability insurance as defined in s. 624.605(1)(c), commercial property insurance as defined in s. 627.0625, commercial umbrella liability insurance as defined in s. 627.0625, or commercial casualty insurance as defined in s. 627.0625~~ shall file with the office ~~before prior to~~ July 1 of each year, on a form prescribed by the commission, the following data for the component types of such insurance as provided in the form:

1. Calendar-year earned premium.
2. Accident-year incurred losses and loss adjustment expenses.
3. The administrative and selling expenses incurred in this state or allocated to this state for the calendar year.
4. Policyholder dividends applicable to the calendar year.

~~This does not. Nothing herein is intended to~~ prohibit an insurer from filing on a calendar-year basis.

(b) The data filed for the group shall be a consolidation of the data of the individual insurers of the group. However, an insurer may elect to ~~either~~ consolidate commercial umbrella liability insurance data with commercial casualty insurance data or to separately file data for commercial umbrella liability insurance. Each insurer shall elect its method of filing commercial umbrella liability insurance at the time of filing data for accident year 1987 and shall thereafter continue filing under the same method. In the case of commercial umbrella liability insurance data reported separately, a separate excessive profits test shall be applied and the test period shall be 10 years. ~~In the case of workers' compensation and employer's liability insurance, the final report for the test period including accident years 1984, 1985, and 1986 must be filed prior to July 1, 1988. In the case of commercial property and commercial casualty insurance, the final report for the test period including accident years 1987, 1988, and 1989 must be filed prior to July 1, 1991.~~

(2) ~~Each insurer group writing workers' compensation and employer's liability insurance shall also file a schedule of Florida loss and loss adjustment experience for each of the 3 years previous to the most recent accident year. The incurred losses and loss adjustment expenses shall be valued as of December 31 of the first year following the latest accident year to be reported, developed to an ultimate basis, and at two 12-month intervals thereafter, each developed to an ultimate basis, so that a total of three evaluations will be provided for each accident year. The first year to be so reported shall be accident year 1984, so that the reporting of 3 accident years under this revised evaluation will not take place until accident years 1985 and 1986 have become available. For reporting purposes unrelated to determining excessive profits, the loss and loss adjustment experience of each accident year shall continue to be reported until each accident year has been reported at eight stages of development.~~

~~(2)(3)(a) Each insurer group writing commercial property insurance or commercial casualty insurance shall also file a schedule of Florida loss and loss adjustment experience for each of the 3 years previous to the most recent accident year. The incurred losses and loss adjustment expenses shall be valued as of December 31 of the first year following the latest accident year, developed to an ultimate basis, and at two 12-month intervals thereafter, each developed to an ultimate basis, so that a total of 3 evaluations will be provided for each accident year. The first year to be so reported shall be accident year 1987, which shall first be reported on or before July 1, 1989, and the reporting of 3 accident years will not take place until accident years 1988 and 1989 have become available. For medical malpractice insurance, the first year to be so reported shall be accident year 1990, which shall first be reported on or before July 1, 1992, and the reporting of 3 accident years for full inclusion of medical malpractice experience in commercial casualty insurance will not take place until accident years 1991 and 1992 become available. Accordingly, no medical malpractice insured shall be eligible for refunds or credits until the reporting period ending with calendar accident year 1992. For reporting purposes unrelated to determining excess profits, the loss and loss adjustment experience of each accident year shall continue to be reported until each accident year has been reported at eight stages of development.~~

(b) Each insurer group writing commercial umbrella liability insurance which elects to file separate data for such insurance shall also file a schedule of Florida loss and loss adjustment experience for each of the 10 years previous to the most recent accident year. The incurred losses and loss adjustment expenses shall be valued as of December 31 of the first year following the latest accident year, developed to an ultimate basis, and at nine 12-month intervals thereafter, each developed to an ultimate basis, so that a total of 10 evaluations will be provided for each accident year. ~~The first year to be so reported shall be accident year 1987, which shall first be reported on or before October 1, 1989, and the reporting of 10 accident years will not take place until accident year 1996 data is reported.~~

~~(3)(4) Each insurer group's underwriting gain or loss for each calendar-accident year shall be computed as follows: The sum of the accident-year incurred losses and loss adjustment expenses as of December 31 of the year, developed to an ultimate basis, plus the administrative and selling expenses incurred in the calendar year, plus policyholder dividends applicable to the calendar year, shall be subtracted from the calendar-year earned premium to determine the underwriting gain or loss.~~

~~(4)(5) For the 3 most recent calendar-accident years for which data is to be filed under this section, the underwriting gain or loss shall be compared to the anticipated underwriting profit, except in the case of separately reported commercial umbrella liability insurance for which such comparison shall be made for the 10 most recent calendar-accident years.~~

~~(6) For those insurer groups writing workers' compensation and employer's liability insurance during the years 1984, 1985, 1986, 1987, and 1988, an excessive profit has been realized if underwriting gain is greater than the anticipated underwriting profit plus 5 percent of earned premiums for the 3 most recent calendar years for which data is to be filed under this section. Any excess profit of an insurance company offering workers' compensation or employer's liability insurance during this period of time, shall be returned to policyholders in the form of a cash refund or a credit toward future purchase of insurance. The excessive amount shall be refunded on a pro rata basis in relation to the final compilation year earned premiums to the workers' compensation policyholders of record of the insurer group on December 31 of the final compilation year.~~

~~(5)(7)(a) Beginning with the July 1, 1991, report for workers' compensation insurance, employer's liability insurance, commercial property insurance, and commercial casualty insurance, an excessive profit has been realized if the net aggregate underwriting gain for all these lines combined is greater than the net aggregate anticipated underwriting profit for these lines plus 5 percent of earned premiums for the 3 most recent calendar years for which data is to be filed under this section. For calculation purposes commercial property insurance and commercial casualty insurance shall be broken down into sublines in order to ascertain the anticipated underwriting profit factor versus the actual underwriting gain for the given subline.~~

(b) Beginning with the July 1, 1998, report for commercial umbrella liability insurance, if an insurer has elected to file data separately for such insurance, an excessive profit has been realized if the underwriting gain for such insurance is greater than the anticipated underwriting profit for such insurance plus 5 percent of earned premiums for the 10 most recent calendar years for which data is to be filed under this section.

~~(6)(8) As used in this section with respect to any 3-year period, or with respect to any 10-year period in the case of commercial umbrella liability insurance, "anticipated underwriting profit" means the sum of the dollar amounts obtained by multiplying, for each rate filing of the insurer group in effect during such period, the earned premiums applicable to such rate filing during such period by the percentage factor included in such rate filing for profit and contingencies, such percentage factor having been determined with due recognition to investment income from funds generated by Florida business, except that the anticipated underwriting profit for the purposes of this section shall be calculated using a profit and contingencies factor that is not less than zero. Separate calculations need not be made for consecutive rate filings containing the same percentage factor for profits and contingencies.~~

~~(7)(9) If the insurer group has realized an excessive profit, the office shall order a return of the excessive amounts after affording the insurer group an opportunity for hearing and otherwise complying with the requirements of chapter 120. Such excessive amounts shall be refunded in all instances unless the insurer group affirmatively demonstrates to the office that the refund of the excessive amounts will render a member of the insurer group financially impaired or will render it insolvent under the provisions of the Florida Insurance Code.~~

~~(8)(10) Any excess profit of an insurance company as determined on July 1, 1991, and thereafter shall be returned to policyholders in the form of a cash refund or a credit toward the future purchase of insurance. The excessive amount shall be refunded on a pro rata basis in relation to the final compilation year earned premiums to the policyholders of record of the insurer group on December 31 of the final compilation year.~~

~~(9)(11)(a) Cash refunds to policyholders may be rounded to the nearest dollar.~~

(b) Data in required reports to the office may be rounded to the nearest dollar.

(c) Rounding, if elected by the insurer, shall be applied consistently.

~~(10)(12)(a) Refunds shall be completed in one of the following ways:~~

1. If the insurer group elects to make a cash refund, the refund shall be completed within 60 days ~~after~~ of entry of a final order indicating that excessive profits have been realized.

2. If the insurer group elects to make refunds in the form of a credit to renewal policies, such credits shall be applied to policy renewal premium notices which are forwarded to insureds more than 60 calendar days after entry of a final order indicating that excessive profits have been realized. If an insurer group has made this election but an insured thereafter cancels her or his policy or otherwise allows the policy to terminate, the insurer group shall make a cash refund within not later than 60 days after termination of such coverage.

(b) Upon completion of the renewal credits or refund payments, the insurer group shall immediately certify to the office that the refunds have been made.

~~(11)(13)~~ Any refund or renewal credit made pursuant to this section shall be treated as a policyholder dividend applicable to the year immediately succeeding the compilation period giving rise to the refund or credit, for purposes of reporting under this section for subsequent years.

~~(12)(14)~~ The application of this law to commercial property and commercial casualty insurance, which includes commercial umbrella liability insurance, ceases on January 1, 1997.

Section 7. Subsection (4) of section 628.6017, Florida Statutes, is amended to read:

628.6017 Converting assessable mutual insurer.—

(4) An assessable mutual insurer becoming a stock insurer or a nonassessable mutual insurer is shall not be subject to s. 627.215 or s. 627.351(5) for 5 years following authorization of the conversion by the office. However, the converted stock insurer or nonassessable mutual insurer must shall file all necessary data required by s. 627.215. Such amounts otherwise subject to s. 627.215(8) must 627.215(10) shall be maintained as surplus as to policyholders and are not be available for dividends for ~~a period of~~ 5 years.

Section 8. The recurring sum of \$193,850 is appropriated from the Workers' Compensation Administrative Trust Fund to the Department of Financial Services and four additional full-time equivalent positions are authorized for the purpose of implementing the provisions of this act.

Section 9. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2012.

===== TITLE AMENDMENT =====

And the title is amended as follows:

Delete lines 2 - 13

and insert:

An act relating to commercial insurance; amending s. 44.02, F.S.; redefining the terms "corporate officer" and "employee" for purposes of workers' compensation; amending s. 440.05, F.S.; revising requirements for submitting a notice of election of exemption; revising duties of the Department of Financial Services relating to the expiration of certificates of exemption; expanding applicability of requirements relating to certificates of exemption; amending s. 440.107, F.S.; exempting certain limited liability companies from penalties for failure to secure the payment of workers' compensation; amending s. 627.215, F.S.; removing workers' compensation and employer's liability insurance from those types of insurance that must report and refund excess profits; deleting obsolete provisions; amending s. 628.6017, F.S.; conforming a cross-reference; providing an appropriation to and authorizing additional positions within the Department of Financial Services;

Representative Bernard offered the following:

(Amendment Bar Code: 484103)

House Amendment 1 to Senate Amendment 2 (with title amendment)—Between lines 5 and 6 of the amendment, insert:

Section 1. Paragraph (a) of subsection (3) and paragraph (c) of subsection (12) of section 440.13, Florida Statutes, are amended, and paragraph (k) is added to subsection (3) of that section, to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(3) PROVIDER ELIGIBILITY; AUTHORIZATION.—

(a) As a condition to eligibility for payment under this chapter, a health care provider who renders services must be a certified health care provider and must receive authorization from the carrier before providing treatment. This paragraph does not apply to emergency care. An employer or a carrier may not refuse to authorize a physician to treat an injured employee solely because the physician is a dispensing practitioner, as defined in s. 465.0276. The department shall adopt rules to implement the certification of health care providers.

(k) If a physician who is a dispensing practitioner as defined in s. 465.0276 receives authorization from an employer or a carrier to treat a claimant pursuant to paragraph (a), the physician may dispense and fill prescriptions for medicines under this chapter. For the purposes of dispensing and filling prescriptions for medicines, the department, the employer or carrier, or any agent or representative of the department, the employer, or the carrier may not select the pharmacy, pharmacist, or dispensing practitioner, as defined in s. 465.0276, that the claimant must use.

(12) CREATION OF THREE-MEMBER PANEL; GUIDES OF MAXIMUM REIMBURSEMENT ALLOWANCES.—

(c) As to reimbursement for a prescription medication, regardless of the location from which or the provider from whom the claimant receives the prescription medication, the reimbursement amount for a prescription shall be the average wholesale price plus \$4.18 for the dispensing fee, unless except where the carrier has contracted for a lower amount. If the drug has been repackaged or relabeled, the reimbursement amount shall be calculated by multiplying the number of units dispensed times the per-unit average wholesale price set by the original manufacturer of the underlying drug, which may not be the manufacturer of the repackaged or relabeled drug, plus a \$4.18 dispensing fee, unless the carrier has contracted for a lower amount. The repackaged or relabeled drug price may not exceed the amount otherwise payable had the drug not been repackaged or relabeled. Fees for pharmaceuticals and pharmaceutical services shall be reimbursable at the applicable fee schedule amount. If Where the employer or carrier has contracted for such services and the employee elects to obtain them through a provider not a party to the contract, the carrier shall reimburse at the schedule, negotiated, or contract price, whichever is lower. However, if the employee elects to fill a prescription for medicines with a dispensing practitioner as defined in s. 465.0276 who is not a party to such a contract, reimbursement shall be at the applicable fee schedule amount. No Such contract may not shall rely on a provider that is not reasonably accessible to the employee.

----- TITLE AMENDMENT -----

Remove line 400 of the amendment and insert:

An act relating to workers' compensation; amending s. 440.13, F.S.; authorizing an authorized physician who is also a dispensing physician to dispense and fill prescriptions; prohibiting the Department of Financial Services, an employer, or a carrier from selecting the pharmacy, pharmacist, or dispensing practitioner a claimant must use in certain circumstances; revising requirements for determining the amount of a reimbursement for repackaged or relabeled prescription medication; providing limitations; amending s.

Rep. Bernard moved the adoption of the amendment to the amendment, which was adopted.

Representative Bernard offered the following:

(Amendment Bar Code: 766547)

House Amendment 2 to Senate Amendment 2 (with title amendment)—Remove lines 6-392 of the amendment and insert:

Section 1. Effective July 1, 2013, subsection (9) of section 440.02, Florida Statutes, is amended to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(9) "Corporate officer" or "officer of a corporation" means any person who fills an office provided for in the corporate charter or articles of incorporation filed with the Division of Corporations of the Department of State or as permitted or required by chapter 607. ~~As to persons engaged in the construction industry,~~ The term "officer of a corporation" includes a member owning at least 10 percent of a limited liability company created and approved under chapter 608.

Section 2. Paragraph (b) of subsection (15) of section 440.02, Florida Statutes, is amended to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(15)

(b) "Employee" includes any person who is an officer of a corporation and who performs services for remuneration for such corporation within this state, whether or not such services are continuous.

1. Any officer of a corporation may elect to be exempt from this chapter by filing ~~written~~ notice of the election with the department as provided in s. 440.05.

2. As to officers of a corporation who are engaged in the construction industry, no more than three officers of a corporation or of any group of affiliated corporations may elect to be exempt from this chapter by filing ~~a written~~ notice of the election with the department as provided in s. 440.05. Officers must be shareholders, each owning at least 10 percent of the stock of such corporation and listed as an officer of such corporation with the Division of Corporations of the Department of State, in order to elect exemptions under this chapter. For purposes of this subparagraph, the term "affiliated" means and includes one or more corporations or entities, any one of which is a corporation engaged in the construction industry, under the same or substantially the same control of a group of business entities which are connected or associated so that one entity controls or has the power to control each of the other business entities. The term "affiliated" includes, but is not limited to, the officers, directors, executives, shareholders active in management, employees, and agents of the affiliated corporation. The ownership by one business entity of a controlling interest in another business entity or a pooling of equipment or income among business entities shall be prima facie evidence that one business is affiliated with the other.

3. An officer of a corporation who elects to be exempt from this chapter by filing a ~~written~~ notice of the election with the department as provided in s. 440.05 is not an employee.

Services are presumed to have been rendered to the corporation if the officer is compensated by other than dividends upon shares of stock of the corporation which the officer owns.

Section 3. Subsections (3) and (6) of section 440.05, Florida Statutes, are amended to read:

440.05 Election of exemption; revocation of election; notice; certification.—

(3) Each officer of a corporation who is engaged in the construction industry and who elects an exemption from this chapter or who, after electing such exemption, revokes that exemption, must ~~submit mail a written~~ notice to such effect to the department on a form prescribed by the department. ~~The notice of election to be exempt from the provisions of this chapter must be notarized and under oath.~~ The notice of election to be exempt which is electronically submitted to the department by the officer of a corporation who is allowed to claim an exemption as provided by this chapter must list the name, federal tax identification number, date of birth, Florida driver license number or Florida identification card number ~~social security number~~, all certified or registered licenses issued pursuant to chapter 489 held by the person seeking the exemption, ~~a copy of relevant documentation as to employment status filed with the Internal Revenue Service as specified by the department, a copy of the relevant occupational license in the primary jurisdiction of the business, and~~ the registration number of the corporation filed with the Division of Corporations of the Department of State, and the

~~percentage of ownership along with a copy of the stock certificate~~ evidencing the required ownership under this chapter. The notice of election to be exempt must identify each corporation that employs the person electing the exemption and must list the social security number or federal tax identification number of each such employer and the additional documentation required by this section. In addition, the notice of election to be exempt must provide that the officer electing an exemption is not entitled to benefits under this chapter, must provide that the election does not exceed exemption limits for officers provided in s. 440.02, and must certify that any employees of the corporation whose officer elects an exemption are covered by workers' compensation insurance. Upon receipt of the notice of the election to be exempt, receipt of all application fees, and a determination by the department that the notice meets the requirements of this subsection, the department shall issue a certification of the election to the officer, unless the department determines that the information contained in the notice is invalid. The department shall revoke a certificate of election to be exempt from coverage upon a determination by the department that the person does not meet the requirements for exemption or that the information contained in the notice of election to be exempt is invalid. The certificate of election must list the name of the corporation listed in the request for exemption. A new certificate of election must be obtained each time the person is employed by a new or different corporation that is not listed on the certificate of election. A copy of the certificate of election must be sent to each workers' compensation carrier identified in the request for exemption. Upon filing a notice of revocation of election, an officer who is a subcontractor or an officer of a corporate subcontractor must notify her or his contractor. Upon revocation of a certificate of election of exemption by the department, the department shall notify the workers' compensation carriers identified in the request for exemption.

(6) A construction industry certificate of election to be exempt which is issued in accordance with this section shall be valid for 2 years after the effective date stated thereon. Both the effective date and the expiration date must be listed on the face of the certificate by the department. The construction industry certificate must expire at midnight, 2 years from its issue date, as noted on the face of the exemption certificate. A construction industry certificate of election to be exempt may be revoked before its expiration by the officer for whom it was issued or by the department for the reasons stated in this section. At least 60 days ~~before prior to~~ the expiration date of a construction industry certificate of exemption ~~issued after December 1, 1998,~~ the department shall send notice of the expiration date ~~and an application for renewal~~ to the certificateholder at the address on the certificate or to the e-mail address on file with the department.

Section 4. Effective January 1, 2013, subsection (6) of section 440.05, Florida Statutes, as amended by this act, is amended to read:

440.05 Election of exemption; revocation of election; notice; certification.—

(6) ~~A construction industry~~ certificate of election to be exempt which is issued ~~on or after January 1, 2013,~~ in accordance with this section ~~is shall be~~ valid for 2 years after the effective date stated thereon. Both the effective date and the expiration date must be listed on the face of the certificate by the department. ~~The construction industry~~ certificate must expire at midnight, 2 years from its issue date, as noted on the face of the exemption certificate. ~~A construction industry~~ certificate of election to be exempt may be revoked before its expiration by the officer for whom it was issued or by the department for the reasons stated in this section. At least 60 days before the expiration date of a ~~construction industry~~ certificate of exemption, the department shall send notice of the expiration date to the certificateholder at the address on the certificate or to the e-mail address on file with the department.

Section 5. Subsection (15) is added to section 440.107, Florida Statutes, to read:

440.107 Department powers to enforce employer compliance with coverage requirements.—

(15) A limited liability company that is not engaged in the construction industry and that meets the definition of "employment" at any time between July 1, 2013, and July 1, 2014, may not be issued a penalty pursuant to this section for failing to secure the payment of workers' compensation.

Section 6. Section 627.215, Florida Statutes, is amended to read:

627.215 Excessive profits for ~~workers' compensation, employer's liability, commercial property; and commercial casualty insurance prohibited.~~—

(1)(a) Each insurer group writing ~~workers' compensation and employer's liability insurance as defined in s. 624.605(1)(c), commercial property insurance as defined in s. 627.0625, commercial umbrella liability insurance as defined in s. 627.0625, or commercial casualty insurance as defined in s. 627.0625 shall file with the office before~~ prior to July 1 of each year, on a form prescribed by the commission, the following data for the component types of such insurance as provided in the form:

1. Calendar-year earned premium.
2. Accident-year incurred losses and loss adjustment expenses.
3. The administrative and selling expenses incurred in this state or allocated to this state for the calendar year.
4. Policyholder dividends applicable to the calendar year.

This does not ~~Nothing herein is intended to~~ prohibit an insurer from filing on a calendar-year basis.

(b) The data filed for the group shall be a consolidation of the data of the individual insurers of the group. However, an insurer may elect to ~~either consolidate commercial umbrella liability insurance data with commercial casualty insurance data or to separately file data for commercial umbrella liability insurance.~~ Each insurer shall elect its method of filing commercial umbrella liability insurance at the time of filing data for accident year 1987 and shall thereafter continue filing under the same method. In the case of commercial umbrella liability insurance data reported separately, a separate excessive profits test shall be applied and the test period shall be 10 years. ~~In the case of workers' compensation and employer's liability insurance, the final report for the test period including accident years 1984, 1985, and 1986 must be filed prior to July 1, 1988. In the case of commercial property and commercial casualty insurance, the final report for the test period including accident years 1987, 1988, and 1989 must be filed prior to July 1, 1991.~~

(2) ~~Each insurer group writing workers' compensation and employer's liability insurance shall also file a schedule of Florida loss and loss adjustment experience for each of the 3 years previous to the most recent accident year. The incurred losses and loss adjustment expenses shall be valued as of December 31 of the first year following the latest accident year to be reported, developed to an ultimate basis, and at two 12-month intervals thereafter, each developed to an ultimate basis, so that a total of three evaluations will be provided for each accident year. The first year to be so reported shall be accident year 1984, so that the reporting of 3 accident years under this revised evaluation will not take place until accident years 1985 and 1986 have become available. For reporting purposes unrelated to determining excessive profits, the loss and loss adjustment experience of each accident year shall continue to be reported until each accident year has been reported at eight stages of development.~~

(2)(3)(a) Each insurer group writing commercial property insurance or commercial casualty insurance shall also file a schedule of Florida loss and loss adjustment experience for each of the 3 years previous to the most recent accident year. The incurred losses and loss adjustment expenses shall be valued as of December 31 of the first year following the latest accident year, developed to an ultimate basis, and at two 12-month intervals thereafter, each developed to an ultimate basis, so that a total of 3 evaluations will be provided for each accident year. ~~The first year to be so reported shall be accident year 1987, which shall first be reported on or before July 1, 1989, and the reporting of 3 accident years will not take place until accident years 1988 and 1989 have become available. For medical malpractice insurance, the first year to be so reported shall be accident year 1990, which shall first be reported on or before July 1, 1992, and the reporting of 3 accident years for full inclusion of medical malpractice experience in commercial casualty insurance will not take place until accident years 1991 and 1992 become available. Accordingly, no medical malpractice insured shall be eligible for refunds or credits until the reporting period ending with calendar accident year 1992.~~ For reporting purposes unrelated to determining excess profits, the loss and loss adjustment experience of each accident year shall continue to be reported until each accident year has been reported at eight stages of development.

(b) Each insurer group writing commercial umbrella liability insurance which elects to file separate data for such insurance shall also file a schedule of Florida loss and loss adjustment experience for each of the 10 years previous to the most recent accident year. The incurred losses and loss adjustment expenses shall be valued as of December 31 of the first year following the latest accident year, developed to an ultimate basis, and at nine 12-month intervals thereafter, each developed to an ultimate basis, so that a total of 10 evaluations will be provided for each accident year. ~~The first year to be so reported shall be accident year 1987, which shall first be reported on or before October 1, 1989, and the reporting of 10 accident years will not take place until accident year 1996 data is reported.~~

(3)(4) Each insurer group's underwriting gain or loss for each calendar-accident year shall be computed as follows: The sum of the accident-year incurred losses and loss adjustment expenses as of December 31 of the year, developed to an ultimate basis, plus the administrative and selling expenses incurred in the calendar year, plus policyholder dividends applicable to the calendar year, shall be subtracted from the calendar-year earned premium to determine the underwriting gain or loss.

(4)(5) For the 3 most recent calendar-accident years for which data is to be filed under this section, the underwriting gain or loss shall be compared to the anticipated underwriting profit, except in the case of separately reported commercial umbrella liability insurance for which such comparison shall be made for the 10 most recent calendar-accident years.

(6) ~~For those insurer groups writing workers' compensation and employer's liability insurance during the years 1984, 1985, 1986, 1987, and 1988, an excessive profit has been realized if underwriting gain is greater than the anticipated underwriting profit plus 5 percent of earned premiums for the 3 most recent calendar years for which data is to be filed under this section. Any excess profit of an insurance company offering workers' compensation or employer's liability insurance during this period of time, shall be returned to policyholders in the form of a cash refund or a credit toward future purchase of insurance. The excessive amount shall be refunded on a pro rata basis in relation to the final compilation year earned premiums to the workers' compensation policyholders of record of the insurer group on December 31 of the final compilation year.~~

(5)(7)(a) Beginning with the July 1, 1991, report for ~~workers' compensation insurance, employer's liability insurance,~~ commercial property insurance, and commercial casualty insurance, an excessive profit has been realized if the net aggregate underwriting gain for ~~all~~ these lines combined is greater than the net aggregate anticipated underwriting profit for these lines plus 5 percent of earned premiums for the 3 most recent calendar years for which data is to be filed under this section. For calculation purposes commercial property insurance and commercial casualty insurance shall be broken down into sublines in order to ascertain the anticipated underwriting profit factor versus the actual underwriting gain for the given subline.

(b) Beginning with the July 1, 1998, report for commercial umbrella liability insurance, if an insurer has elected to file data separately for such insurance, an excessive profit has been realized if the underwriting gain for such insurance is greater than the anticipated underwriting profit for such insurance plus 5 percent of earned premiums for the 10 most recent calendar years for which data is to be filed under this section.

(6)(8) As used in this section with respect to any 3-year period, or with respect to any 10-year period in the case of commercial umbrella liability insurance, "anticipated underwriting profit" means the sum of the dollar amounts obtained by multiplying, for each rate filing of the insurer group in effect during such period, the earned premiums applicable to such rate filing during such period by the percentage factor included in such rate filing for profit and contingencies, such percentage factor having been determined with due recognition to investment income from funds generated by Florida business, except that the anticipated underwriting profit for the purposes of this section shall be calculated using a profit and contingencies factor that is not less than zero. Separate calculations need not be made for consecutive rate filings containing the same percentage factor for profits and contingencies.

(7)(9) If the insurer group has realized an excessive profit, the office shall order a return of the excessive amounts after affording the insurer group an opportunity for hearing and otherwise complying with the requirements of chapter 120. Such excessive amounts shall be refunded in all instances unless

the insurer group affirmatively demonstrates to the office that the refund of the excessive amounts will render a member of the insurer group financially impaired or will render it insolvent under the provisions of the Florida Insurance Code.

~~(8)(40)~~ Any excess profit of an insurance company ~~as determined on July 1, 1991, and thereafter~~ shall be returned to policyholders in the form of a cash refund or a credit toward the future purchase of insurance. The excessive amount shall be refunded on a pro rata basis in relation to the final compilation year earned premiums to the policyholders of record of the insurer group on December 31 of the final compilation year.

~~(9)(41)~~(a) Cash refunds to policyholders may be rounded to the nearest dollar.

(b) Data in required reports to the office may be rounded to the nearest dollar.

(c) Rounding, if elected by the insurer, shall be applied consistently.

~~(10)(42)~~(a) Refunds shall be completed in one of the following ways:

1. If the insurer group elects to make a cash refund, the refund shall be completed within 60 days ~~of~~ entry of a final order indicating that excessive profits have been realized.

2. If the insurer group elects to make refunds in the form of a credit to renewal policies, such credits shall be applied to policy renewal premium notices which are forwarded to insureds more than 60 calendar days after entry of a final order indicating that excessive profits have been realized. If an insurer group has made this election but an insured thereafter cancels her or his policy or otherwise allows the policy to terminate, the insurer group shall make a cash refund within not later than 60 days after termination of such coverage.

(b) Upon completion of the renewal credits or refund payments, the insurer group shall immediately certify to the office that the refunds have been made.

~~(11)(43)~~ Any refund or renewal credit made pursuant to this section shall be treated as a policyholder dividend applicable to the year immediately succeeding the compilation period giving rise to the refund or credit, for purposes of reporting under this section for subsequent years.

~~(12)(44)~~ The application of this law to commercial property and commercial casualty insurance, which includes commercial umbrella liability insurance, ceases on January 1, 1997.

Section 7. Subsection (4) of section 628.6017, Florida Statutes, is amended to read:

628.6017 Converting assessable mutual insurer.—

(4) An assessable mutual insurer becoming a stock insurer or a nonassessable mutual insurer ~~is shall not be~~ subject to s. 627.215 or s. 627.351(5) for 5 years following authorization of the conversion by the office. However, the converted stock insurer or nonassessable mutual insurer ~~must shall~~ file all necessary data required by s. 627.215. Such amounts otherwise subject to s. ~~627.215(8) must 627.215(10) shall~~ be maintained as surplus as to policyholders and ~~are not be~~ available for dividends for ~~a period of~~ 5 years.

TITLE AMENDMENT

Remove lines 416-418 of the amendment and insert:
conforming a cross-reference;

Rep. Bernard moved the adoption of the amendment to the amendment, which was adopted.

On motion by Rep. Bernard, the House concurred in **Senate Amendment 2**, as amended.

The question recurred on the passage of **HB 307**. The vote was:

Session Vote Sequence: 1166

Speaker Cannon in the Chair.

Yeas—97

Abruzzo	Ford	Lopez-Cantera	Rogers
Adkins	Fresen	Mayfield	Rooney
Ahern	Frishe	McBurney	Rouson
Albritton	Fullwood	McKeel	Sands
Aubuchon	Garcia	Metz	Saunders
Baxley	Gibbons	Moraitis	Schenck
Bembry	Glorioso	Nehr	Schwartz
Bernard	Gonzalez	Nelson	Smith
Bileca	Goodson	Nuñez	Snyder
Boyd	Grant	O'Toole	Soto
Brandes	Grimsley	Passidomo	Stargel
Brodeur	Hager	Patronis	Steube
Broxson	Harrell	Perman	Taylor
Burgin	Harrison	Perry	Tobia
Caldwell	Holder	Pilon	Van Zant
Campbell	Hooper	Plakon	Weatherford
Cannon	Horner	Porter	Weinstein
Chestnut	Hudson	Porth	Williams, A.
Clarke-Reed	Hukill	Precourt	Williams, T.
Coley	Ingram	Proctor	Wood
Costello	Jones	Ray	Workman
Crisafulli	Julien	Reed	Young
Davis	Kiar	Rehwinkel	Vasilinda
Drake	Kreegel	Renuart	
Eisnaugle	Logan	Roberson, K.	

Nays—20

Berman	Diaz	Oliva	Thompson, G.
Bullard	Dorworth	Pafford	Thurston
Clemens	Gaetz	Randolph	Trujillo
Corcoran	Jenne	Slosberg	Waldman
Cruz	Kriseman	Stafford	Watson

Votes after roll call:

Yeas to Nays—Ahern, Tobia

So the bill passed, as amended. The action, together with the bill and the amendments thereto, was immediately certified to the Senate.

CS for SB 730 was taken up, having been temporarily postponed earlier today, with pending motion to concur in **Senate Amendment 1 (401736)** to **House Amendment 1 (504515)**. On motion by Rep. Ingram, the House concurred in **Senate Amendment 1**.

(Amendment Bar Code: 238196)

Senate Amendment 3 to House Amendment 1 (504515) (with title amendment)—Delete line 489 and insert:

Section 10. Effective May 12, 2012, paragraph (h) is added to subsection (1) of section 627.602, Florida Statutes, to read:

627.602 Scope, format of policy.—

(1) Each health insurance policy delivered or issued for delivery to any person in this state must comply with all applicable provisions of this code and all of the following requirements:

(h) Section 641.312 and the provisions of the Employee Retirement Income Security Act of 1974, as implemented by 29 C.F.R. s. 2560.503-1, relating to internal grievances. This paragraph does not apply to a health insurance policy that is subject to the subscriber assistance program under s. 408.7056 or to the types of benefits or coverages provided under s. 627.6561(5)(b)-(e) issued in any market.

Section 11. Effective May 12, 2012, section 627.6513, Florida Statutes, is created to read:

627.6513 Scope.—Section 641.312 and the provisions of the Employee Retirement Income Security Act of 1974, as implemented by 29 C.F.R. s. 2560.503-1, relating to internal grievances, apply to all group health insurance policies issued under this part. This section does not apply to a group health insurance policy that is subject to the subscriber assistance program in s. 408.7056 or to the types of benefits or coverages provided under s. 627.6561(5)(b)-(e) issued in any market.

Section 12. Effective May 12, 2012, section 641.312, Florida Statutes, is created to read:

641.312 Scope.—The Office of Insurance Regulation may adopt rules to administer the provisions of the National Association of Insurance Commissioners' Uniform Health Carrier External Review Model Act, issued by the National Association of Insurance Commissioners and dated April 2010. This section does not apply to a health maintenance contract that is subject to the subscriber assistance program under s. 408.7056 or to the types of benefits or coverages provided under s. 625.6561(5)(b)-(e) issued in any market.

Section 13. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2012.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 533 - 534

and insert:

establishing enrollment requirements; amending s. 627.602, F.S.; applying federal internal grievance procedures to certain health insurance policies; providing exceptions; creating s. 627.6513, F.S.; applying federal internal grievance procedures to certain group health insurance policies; providing exceptions; creating s. 641.312, F.S.; authorizing the Office of Insurance Regulation to adopt rules to administer the federal procedures; providing effective dates.

On motion by Rep. Ingram, the House concurred in **Senate Amendment 3 to House Amendment 1**.

The question recurred on the passage of **CS for SB 730**. The vote was:

Session Vote Sequence: 1167

Speaker Cannon in the Chair.

Yeas—82

Adkins	Dorworth	Kreegel	Proctor
Ahern	Drake	Legg	Ray
Albritton	Eisnagle	Logan	Renuart
Artiles	Ford	Lopez-Cantera	Roberson, K.
Aubuchon	Fresen	Mayfield	Rooney
Baxley	Frishe	McBurney	Schenck
Bembry	Gaetz	McKeel	Smith
Bileca	Glorioso	Metz	Snyder
Boyd	Gonzalez	Moraitis	Stargel
Brandes	Goodson	Nehr	Steube
Brodeur	Grant	Nelson	Tobia
Broxson	Grimsley	Nuñez	Trujillo
Burgin	Hager	O'Toole	Van Zant
Caldwell	Harrell	Oliva	Weatherford
Cannon	Harrison	Passidomo	Weinstein
Coley	Holder	Patronis	Williams, T.
Corcoran	Hooper	Perry	Wood
Costello	Horner	Pilon	Workman
Crisafulli	Hudson	Plakon	Young
Davis	Hukill	Porter	
Diaz	Ingram	Precourt	

Nays—37

Abruzzo	Garcia	Randolph	Stafford
Berman	Gibbons	Reed	Taylor
Bernard	Jenne	Rehwinkel	Vasilinda
Bullard	Jones	Rogers	Thurston
Campbell	Julien	Rouson	Waldman
Chestnut	Kiar	Sands	Watson
Clarke-Reed	Kriseman	Saunders	Williams, A.
Clemens	Pafford	Schwartz	
Cruz	Perman	Slosberg	
Fullwood	Porth	Soto	

So the bill passed, as amended. The action, together with the bill and amendments thereto, was immediately certified to the Senate.

Motion to Adjourn

Rep. Weatherford moved that the House, after receiving reports, adjourn for the purpose of holding committee and subcommittee meetings and conducting other House business, to reconvene at 10:00 a.m., Friday, March 9, 2012, or upon call of the Chair. The motion was agreed to.

Messages from the Senate

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 13.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 37.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 45.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 99.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 227.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 249.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 291.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 401.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 465.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for CS for CS for HB 503.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 521.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has receded from Senate Amendment 1 and passed CS for HB 701.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 715.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 769.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 803.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 887.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HJR 931, by the required Constitutional three-fifths vote of all members elected to the Senate.

Debbie Brown, Secretary

The above joint resolution was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for CS for HB 1001.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HJR 1003, by the required Constitutional three-fifths vote of all members elected to the Senate.

Debbie Brown, Secretary

The above joint resolution was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 1013.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1015.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 1099.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 1101.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 1277.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 1383.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for CS for HB 1403.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 4001.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 4077.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 7023.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7029.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 7043.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7049.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 7079.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 7095.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7111, by the required Constitutional two-thirds vote of all members present.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 7115.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7125, by the required Constitutional two-thirds vote of all members elected to the Senate.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7129.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has concurred in House Amendment 1 to Senate Amendment 1 to House Amendment 1 and passed CS for SB 4, as amended.

Debbie Brown, Secretary

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has concurred in House Amendment 1 and passed CS for SB 364, as amended.

Debbie Brown, Secretary

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has concurred in House Amendment 1 and passed SB 524, as amended.

Debbie Brown, Secretary

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has concurred in House Amendment 1 and passed CS for SB 692, as further amended.

Debbie Brown, Secretary

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has concurred in House Amendment 1 and passed CS for CS for CS for SB 694, as amended.

Debbie Brown, Secretary

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has concurred in House Amendment 1 and passed CS for SB 800, as further amended.

Debbie Brown, Secretary

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has concurred in House Amendment 1 and passed CS for CS for SB 922, as further amended.

Debbie Brown, Secretary

Votes After Roll Call

[Date(s) of Vote(s) and Sequence Number(s)]

Rep. Artiles

Yeas—February 15: 735, 743; February 16: 759

Rep. Hager

Yeas—March 7: 1118, 1133

Rep. Kreegel

Yeas—February 15: 757

Rep. McKeel

Yeas—February 16: 760; February 28: 925; February 29: 1003; March 7: 1137, 1138, 1139, 1140, 1141, 1142

Rep. Waldman

Yeas—February 29: 954; March 7: 1139

First-named Sponsors

HB 307—Davis

HB 4169—Bernard

Cosponsors

CS/CS/HB 367—Fullwood

CS/CS/HB 431—Pafford

HB 441—Artiles

CS/HB 691—Costello, Soto

CS/HB 7069—Coley

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 10:42 p.m., to reconvene at 10:00 a.m., Friday, March 9, 2012, or upon call of the Chair.

CHAMBER ACTIONS ON BILLS

Thursday, March 8, 2012

CS for SB	4 — Amendment(s) to Senate amendment(s) adopted; Amendment 166467 adopted; CS passed as amended; YEAS 110, NAYS 7; Concurred in Senate amendment(s) as amended	CS/HB	877 — Amendment(s) to Senate amendment(s) adopted; Amendment 515733 adopted; Concurred in Senate amendment(s) as amended; Amendment 298302 Concur; CS passed as amended; YEAS 106, NAYS 8
CS/HB	31 — 03/08/12 S Refused to recede, requests House to concur	CS/HB	909 — Amendment 767777 adopted; Amendment(s) to Senate amendment(s) adopted; CS passed as amended; YEAS 109, NAYS 8; Concurred in Senate amendment(s) as amended
CS/HB	293 — Amendment(s) to Senate amendment(s) adopted; Amendment 046413 adopted; Concurred in Senate amendment(s) as amended; Amendment 876888 Concur; CS passed as amended; YEAS 110, NAYS 8	CS/HB	967 — Amendment 333797 adopted; Amendment(s) to Senate amendment(s) adopted; Concurred in Senate amendment(s) as amended; CS passed as amended; YEAS 111, NAYS 8
HB	307 — Amendment(s) to Senate amendment(s) adopted; Amendment 484103 adopted; Amendment 766547 adopted; Concurred in Senate amendment(s) as amended; Passed as amended; YEAS 97, NAYS 20	CS/CS/HB	979 — Amendment 543740 Concur; Concurred in 1 amendment(s); CS passed as amended; YEAS 87, NAYS 31
CS/HB	457 — Amendment(s) to Senate amendment(s) adopted; Amendment 248465 adopted; Concurred in Senate amendment(s) as amended; CS passed as amended; YEAS 109, NAYS 8	CS/HB	1039 — Amendment(s) to Senate amendment(s) adopted; Amendment 062571 adopted; Concurred in Senate amendment(s) as amended; CS passed as amended; YEAS 110, NAYS 7
CS/HB	517 — Concurred in 1 amendment(s); Amendment 624598 Concur; CS passed as amended; YEAS 88, NAYS 29	CS/CS/CS/HB	1163 — Concurred in 1 amendment(s); Amendment 154434 Concur; CS passed as amended; YEAS 119, NAYS 0
CS/HB	579 — Amendment(s) to Senate amendment(s) adopted; Amendment 721239 adopted; Concurred in Senate amendment(s) as amended; CS passed as amended; YEAS 111, NAYS 7	CS/CS/CS/HB	1355 — Concurred in 3 amendment(s); Amendment 215940 Concur; Amendment 215940 Concur; CS passed as amended; YEAS 117, NAYS 0; Amendment 904562 Concur; Amendment 257028 Concur
CS/HB	697 — Amendment(s) to Senate amendment(s) adopted; Amendment 951941 adopted; CS passed as amended; YEAS 111, NAYS 8; Concurred in Senate amendment(s) as amended	CS/HB	1485 — Amendment(s) to Senate amendment(s) adopted; Amendment 529297 adopted; Concurred in Senate amendment(s) as amended; Amendment 701278 Concur; CS passed as amended; YEAS 112, NAYS 7
CS for SB	730 — 03/08/12 S Amendment(s) to House amendment(s) adopted (238196, 401736); 03/08/12 S Amendment(s) to House amendment(s) failed (875574); 03/08/12 S Concurred in House amendment(s) as amended ; Concurred in 2 amendment(s); Amendment 401736 Concur; Amendment 238196 Concur; CS passed as amended; YEAS 82, NAYS 37	CS/HB	7027 — Concurred in 1 amendment(s); Amendment 639620 Concur; CS passed as amended; YEAS 108, NAYS 11
		HB	7093 — Concurred in 1 amendment(s); Amendment 167528 Concur; Passed as amended; YEAS 118, NAYS 0
CS/HB	855 — Amendment(s) to Senate amendment(s) adopted; Amendment 527557 adopted; CS passed as amended; YEAS 110, NAYS 8; Concurred in Senate amendment(s) as amended	HB	7131 — Amendment(s) to Senate amendment(s) adopted; Amendment 525769 adopted; Passed as amended; YEAS 107, NAYS 11; Concurred in Senate amendment(s) as amended

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DAILY INDICES FOR

March 8, 2012

NUMERIC INDEX

CS for SB 4.....	1188, 1246
CS/SB 4.....	1188
HB 13	1243
CS for HB 37	1243
CS for HB 45	1243
CS for CS for HB 99	1243

The above bill was ordered enrolled.The Honorable Dean
Cannon, Speaker I am directed to inform the House of
Representatives that the Senate has passed CS for CS for CS
for HB 503 1244
The Honorable Dean Cannon, Speaker I am directed to inform the
House of Representatives that the Senate has passed CS for HB 249 ...

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